BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, WESTERN ZONE BENCH AT PUNE

O.A. NO. 171/2024 [WZ]
[*Formerly O.A. No. 27(THC)/2013 [WZ]*]

BETWEEN:
DLF Homes Goa Pvt. Ltd. & Ors.
(*Earlier known as M/s. Sarawati Builders & Constructions Pvt. Ltd.*)

...APPLICANT

AND

Union of India & Ors. **...RESPONDENTS**

Note on behalf of the Goa Foundation – Resp. No. 3

Challenge to the EC dt 11.01.2010

(1) **The EC dated 11.01.2010 has a life of 5 years only as per the EIA Notification, 2006.** It has already expired. Delay in consideration of abeyance of EC is because the NGT adjourned the matter due to the DLF obtaining High Court stay on forest report. Consequently the two OAs were adjourned sine die in 2014. DLF did not pursue its petition till 2024. (*EC - pg 826*)

(2) **MoEF stayed the EC on 15.4.2010.** (*pg 1514*)

Grounds:

a. forestry nature of plot: (*dealt with in O.A 170)*

b. Whether hill cutting is permissible as per TCP Rules

c. Whether development is permissible as per the parameters fixed by Committee for Eco Sensitive Areas?

(3) As per TCP Rules no development is permissible on steep slopes i.e > 25%. [See Guidelines]

As per the Committee on Identifying Parameters for Designating Eco Sensitive Areas, steep slopes is one of the 13 parameters which require the land to be protected, even if by itself, and without any additional parameter. (*pg 1525*)

(4) Ministry examined the issue of steep hillslope vide two Committees: EAC & Technical Committee

I. **Expert Appraisal Committee** (EAC):

(i) EAC minutes of meeting 21-23 July 2010- (*pg 1595*)

Direction ii : submit a copy of the contour map superimposing the layout plan of the site with clear spot levels authenticated by the local town planning dept.

This direction was conveyed to the CTP three times:
letter dated 27.8.2010 (*pg 1516*);
letter dated 27.9.2010 (*pg 1517*);
& letter dated 8.10.2010. (details of 8/10 letter is in the Minutes of the EAC dated 9/10 November 2010 - (*pg 1597*)

(ii) CTP did not submit documents as requested. DLF submitted plans. Response of CTP is that everything is done with due diligence before issue of permission. CTP refers to Site visit on 21.01.2010 and 16.02.2010 (i.e before the MoEF suspended the EC)

- Report of 21.01.2010 only boundary area visited. Spot levels not taken to see if within permissible gradient. "Slope analysis is totally based on the SOI topographical sheet which is an authenticated document of GOI and no physical survey was carried out to verify the spot levels / contours". *(pg 1565)*

- Report of 16.02.2010 similar. The slope analysis is done visually on the basis of GOI topographical sheets which is the methodology followed in all cases.*(pg 1579)*

- Memorandum / method followed shows no spot levels taken, only visual analysis carried out at site. *(pg 1575)*

(iii) EAC Minutes of meeting 9/10 November 2010: Issue is related to local laws and clearance has to be obtained from the local body after incorporting the environmental parameters as suggested by EAC. *(pg 1597)*

(iv) 24.01.2011 - MoEF affidavit accepting EAC suggestions and will abide by Court directions *(pg 1600)*

II. **MoEF set up a Technical Committee on 24.02.2011** - *(pg 1397)* to consider both issues;

a. Technical Committee Report is at *pg. 1397*

Technical Team visited the project site on 09.03.2011, walked along the property and perused the records, maps and documents as well. Based on sie visit the report is as follows:

(a) On forest - MoEF to await SGFDC report

(b) On steep slopes: - clear finding that middle portion of property is > 25% (pg 1399) - finding quoted below

"The middle part of the project site appears to have portions having more than 25% slopes, as indicated by the contours on the plans and no development is permissible in this area. The extent of area where no development can take place need to be determined by actual survey of the plot(s), since the slope is hovering around 25% in the middle portion. In the remaining area where development is not restricted on the basis of gradient, the development may be permissible subject to other applicable rules/outcome of the Court cases, if any."

(5) Hence unless there is a fresh survey done to find out the portions above 25% where no development is permissible i.e the layout plan is superimposed on the contour plan with spot levels to indicate that there is no development on the area > 25% the abeyance on EC cannot be vacated as regards the steep slope issue.

(6) The actual survey will also enable the Ministry to view the matter from the point of view of eco-sensitive parameters. NGT may direct accordingly.

11.02.2025

Sr. Adv. Ms. Norma Alvares,
with Adv. Om Anthony D'costa
and Adv. Maitreya Prithwiraj Ghorpade

PLACE: PUNE
DATE: 11.02.2025

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a. Technical Committee Report is at *pg. 1397*

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(5) Hence unless there is a fresh survey done to find out the portions above 25% where no development is permissible i.e the layout plan is superimposed on the contour plan with spot levels to indicate that there is no development on the area > 25% the abeyance on EC cannot be vacated as regards the steep slope issue.

(6) The actual survey will also enable the Ministry to view the matter from the point of view of eco-sensitive parameters. NGT may direct accordingly.

11.02.2025
Sr. Adv. Ms. Norma Alvares,
11.02.2025 *with* Adv. Om Anthony D'costa
and Adv. Maitreya Prithwiraj Ghorpade

PLACE: PUNE
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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
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O.A. NO. 170/2024 [WZ]
[*Formerly O.A. No. 26(THC)/2013 [WZ]*]

BETWEEN:
THE GOA FOUNDATION AND ANR.

...APPLICANT

AND

DLF Homes Goa Pvt. Ltd. & Ors.
(Earlier known as M/s. Sarawati Builders & Constructions Pvt. Ltd.) **...RESPONDENTS**

Introductory Note of the Applicant

1. **O.A. 170** was filed by the applicant in January 2010 and it raises the following main grounds as to why the approvals for the project of DLF Homes and Estates Pvt Ltd., hereinafter "DLF" (Resp No 1) on Sy No 42/1-A must be cancelled:

   i. that Sy No 43/1-A and part of Sy No 43/1 is forest, hence FCA, 1980. is applicable and no development is permissible without clearance from the Ministry of Environment (hereinafter "Ministry").

   ii. that Sy No 43/1-A is substantially steep hillslope (gradient of > 25%) and hence no development is permissible as per the Guidelines for implementation of the Goa's Town & Country Planning Act, 1974 and as per the Ministry's "Committee for Identifying Eco-Sensitive Parameters".

6. **<u>On forest</u>:** DLF submits that the plot has been excluded by a Review Committee which was appointed by the State government to review the two State level Expert Committee reports - Thomas & Araujo - for North & South Goa respectively and the Review Committee reports have been upheld by the NGT in its judgement dated 12.09.2023. Hence the plot is not private forest.

7. **<u>On steep hill slope</u>:** DLF submits that as the Applicant had stated that it would not press the issue of steep hillslope in its petition which is recorded in the High Court's order dated 17.10.2013, when the matters were transferred to the NGT, the Applicant cannot agitate it again.

8. The Applicant disputes this position. Applicant maintains that insofar as O.A. 170 is concerned, the O.A. is limited only to the issue of the forest status of the land. The Order dated 17.10.2013 clarifies that this petition is with regard to the Forest Conservation Act only. Hence, the Applicant will argue only the forest aspect in O.A 170/2024.

9. However, in O.A. 171/2024 where the GF is Resp. No. 3, the GF will respond to the grounds for suspension of the EC, one of which is the issue of steep hill slope on which the project is proposed to be constructed. The Court has specifically recorded that OA 171 concerns the Environment Protection Act, 1986, and that all rights and contentions of the parties are left open.

This is the broad controversy in the two OAs.

11.02.2025

Sr. Adv. Ms. Norma Alvares,
with Adv. Om Anthony D'costa
and Adv. Maitreya Prithwiraj Ghorpade

PLACE: PUNE
DATE: 11.02.2025

11.02.2025

2. The Prayers in the OA are to quash and set aside all approvals granted for the development project and to restore the forest cover on the plot. (*pg 39*)

3. At the very first hearing of the petition on 12th January 2010, the High Court stayed any further felling of trees and cutting of the hill on which the project was to be constructed. In April 2010, the Ministry directed DLF not to construct its project, as it had decided to examine afresh the issues raised in the petition. Hence the Ministry directed that the EC granted on 11th January 2010 for Sy No. 43/1-A was held in abeyance, on the grounds that the Ministry needs to ascertain:

   (i) whether the property is forest

   (ii) whether the property is steep hillslope.

   The EC is still held in abeyance. The High Court stayed development of the project.

4. The Resp Company then filed **O.A. 171/2024 [WZ]** challenging the Ministry's decision to hold the EC in abeyance.

5. There have been several reports testifying to the forestry nature of the plot and also that it comprises areas which are steep slope. However, DLF submits that both the forest and the steep hill slope issues do not survive in view of events that have taken place after the filing of the petition.

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(Earlier known as M/s. Sarawati Builders & Constructions Pvt. Ltd.) **...RESPONDENTS**

LIST OF EVENTS WITH DATES

1. Sy No 43/1 which is the subject matter of the O.A is located in Dabolim village in South Goa. It originally admeasured approx. 1,05,000 sq mts. It was previously owned by Resp no 3 (Vithal Naik) who sold it to Resp No 2 (Anand Builders). The Resp No 2 sold 77,294 sq. mts from it to Resp No 1 (DLF / formerly Saravati Builders) and after partition, the 77,294 sq mts area was numbered as Sy No 43/1-A. The Resp No 1 made plots and sold them to various parties who are joined as the Resp Nos 12 - 47 in the O.A. The Resp No 1 (DLF)'s project is a group housing of 600 plus luxury flats, guest houses, club house etc.*(paras 3 & 11 of the OA)*

2. From the remaining area of 27,700 sq. mts. an area of 10,630 sq mts was reserved by Resp No 2 for the mundkars (as per law). The Resp. No 2 further discloses that he made plots of the balance 17,070 sq.mts which he sold to various parties. Resp No 2 claims that as he has sold all his property, he has no right interest or title in the subject matter of the O.A and wishes to be discharged from the proceedings. (Resp No 2 *I.A. for discharge is at pg 1189*). The Applicant has opposed his discharge from the proceedings (*pg 1395*).

3. The Applicant has challenged development on both Sy No 43/1-A and Sy. No. 43/1 as the Sy No 43/1-A is a thickly forested, hilly area, on which no development can take place without forest clearance from the Ministry of Environment. It also has a steep slope of >25 % for which reason development is not permissible as per the State Town & Country Planning Act as well as per the Ministry's Committee for Identification of Eco-Sensitive Areas. The Applicant has also challenged development on Sy No 43/1 as the forest is contiguous on both areas. *(paras 3 & 11 of the OA)*

4. The forest is still standing on the Sy No. 43/1-A except where tree felling permissions were granted by the Dy Conservator of Forests under the Preservation of Trees Act. First permission is dated 12.09.2008 for 47 trees on Sy No 43/1-A (*pg 74*); second permission is dated 28.05.2009 for 45 trees on Sy. No. 43/1-A (*pg 89*), and the third permission is dated 25.05.2007 for 73 trees on Sy. No. 43/1 (*pg 1310*).

Thus a total of 165 trees were officially felled on Sy No 43/1-A and 43/1 prior to the filing of the petition.

[The OA refers to two tree felling permissions at paras 31 and 32 and refers to the 3rd permission in the Applicant's rejoinder affidavit dated 11-11-2024 (*pg 1205 @ 1310*)

5. There is a hill cutting permission granted by the Town Planning dated 02.09.2009 (*pg 184*). The Guidelines clarify that no development permission is permissible on steep slopes i.e > 25% (*pg 182*). The OA refers to hill cutting permissions in paras 60, 61.

6. The Ministry, after initially rejecting grant of EC for lack of appropriate information on contours of the property, granted EC in 2009 (*paras 37 to 40 of the OA*). After DLF sought to expand the project to 700 plus flats, a revised EC was issued on 11 January 2010 [*pg 191(i)]* The OA refers to EC of 2009 in paras 37 - 40 and to the EC of January 2010 in para 67 of the O.A.

7. The WP No 13/2010 was filed in January 2010.

8. Photographs - pg *52*

   Satellite imagery - pg *1274*

LIST OF DATES / EVENTS

Sr No	Date	Particulars	Pg nos
1.	11.01.2010	Ministry grants revised EC	647
2.	12.01.2010	HC stayed the further felling of trees and cutting of the hill	655
3.	15.04.2010	Ministry decided to hold EC in abeyance to re-consider: (i) whether the project area is forest; (ii) whether cutting hillslope on a gradient of > 25% is not permissible as per State Town Planning rules; (iii) whether implementation of the project requires felling a large number of trees on steeply sloping terrain in areas identified as Eco-sensitive as per Ministry's Committee for identifying Eco Sensitive parameters.	657
4.	27.04.2010	HC directed status quo on construction activity in the project.	659
5.	24.02.2011	Ministry constituted a Technical Committee to examine whether the site is located in forest land, and whether the slope as it exists is suitable for development.	1238

6.	19.04.2011	Technical Committee report was placed on record in the O.A by the Ministry. On forestry, the Technical Committee stated that retaining the natural vegetation in the areas especially the portion with slope of about 25% of the project as forest appears to be necessary from the overall environment point of view. However, it suggested that the final decision be taken by Ministry after the report of the Committee constituted by the Govt. to identify private forest is settled.	1240
7.	10.04.2012 02.05.2012	HC directed the Forest Dept to inspect the site and prepare a forest status report of Sy. No. 43/1-A and 43/1 which would be circulated among the parties and also sent to the Ministry for its decision on abeyance of E.C.	1248 1250
8.	27.11.2012	State Expert Committees (Thomas & Araujo) appointed to complete balance identification of private forest in North & South Goa respectively	666
9.	25.06.2012	Forest Dept submits Field inspection report of DCF South Goa which states that the DLF property meets the 3 criteria of private forest. However, Sy. No. 43/1 [Resp No. 2] is not private forest.	1252 @ 1256 Image 1274
10.	22.07.2013	Ministry files its affidavit to the Forest Dept Report where it states at para 4 (c) that in the light of the Forest Dept. report, the area owned by DLF is private forest land and that prior permission is required under the FCA. In para 6, the Ministry states that it will lift the EC abeyance order only after the High Court decides the matter.	1282

11.	17.10.2013	HC transfers both petitions to NGT	668
12.	03.04.2014	NGT accepts the SGFDC (Araujo committee) submission that it will site visit the property and submit a report on the forest status of the property within 4 weeks. O.A. is stood over to 22.05.2014. On 22.05.2014, the NGT order records that AG informed that the inspection report is prepared will be filed within a couple of weeks and that copies will be furnished to all concerned. The O.A was stood over to 18.07.2014.	672
13.	May 2014	The DCF submits SGFDC Report dated 07.05.2014 to NGT and copies were served on the parties. The report states that Sy No 43/1-A, to the extent of 73,162 sq mts is forest and Sy No 43/1 to the extent of 1250 sq mts is also forest. [As recommended by the Ministry's Technical Committee, the SGFDC report ought to have been submitted to the Ministry to decide forest status of Sy No 43/1-A. However, before the report could be considered by the NGT, the DLF had obtained stay on the report from the HC].	673 @ 680
14.	25.06.2014	HC stays consideration of report as DLF claims it was not given a hearing. All proceedings at NGT thereafter come to a halt.	681
15.	30.10.2014	In view of HC order, the SGFDC gives a detailed hearing to DLF and submits a supplementary report, where it maintains that Sy No 43/1-A is forest and affirms its earlier report.	1298@ 1303

16.	23.04. 2018	Both Thomas & Araujo committees are disbanded and a Review committee appointed to review all 4 expert committee reports.	684
17.	Dec. 2018	The SGFDC (Araujo committee) submits its final report to Govt. Araujo report includes Sy No 43/1A and part of Sy No 43/1 in the section marked Final Identification (pg 727 and 745). The SGFDC final report includes the report it had prepared for the NGT (at pg 770) and also the supplementary report (at pg 778)	685 @ 727, 745, 770, 778
18.	30.01. 2020	As RC I completes review of S&K reports only, hence RC II appointed to review Thomas & Araujo reports.	822
19.	26.04. 2021	RC II produces 1st Part-Final Report which discloses the methodology followed by the RC-II i.e T&A maps were superimposed on the FSI maps and all areas which did not tally with the FSI maps were simply deleted from consideration. Thus out of total of 3195 sy nos which were identified as private forest, only 1833 were to be reviewed through field visits, survey and public hearing for finalisation as private forest. Excerpt of 1st report annexed.	1477
20.	June 2021	RC-II produces 2nd Part Final report wherein entire Sy No 43 is excluded as Private forest. Report shows that no site visit was made to Sy No 43 (including 43/1-A) and Sy No 43 was deleted solely on the basis that it did not meet the criteria of area and canopy density as per FSI maps. Hence, it was excluded from consideration as private forest despite all the earlier reports of the Forest Dept., Ministry's Technical Committee, and S.G.F.D.C. No site visit was made to the plot to verify forest status. Sy No 43 is in the category marked D: <u>Sy Nos not qualifying Area and Canopy density</u> (pg 860) and hence excluded as forest in <u>Annexure IV</u> at pg 872. Sy No 43 is listed at Sr No 88 on pg 874.	856, 860, 872, 874

21.	12.09. 2023	NGT disposes of the GF's M.A. 3/2023 challenging the 6 reports of RC-II. NGT notes the procedure adopted by the RC-II at para 19 (pg 951) which is confirmed by the State at para 47 (pg 965). NGT upholds the methodology followed by RC-II at para 89 (pg 992). However, in para 91 (at pg 992) NGT deals with Final Sy Nos in the T&A reports and directs that in regard to sy nos marked as Final in the Thomas & Araujo reports but which have been excluded in the RC-II reports, <u>these Final Sy Nos. should be verified physically with respect to all three criteria and till the final decision is taken no permissions shall be granted for any kind of development on the said plots</u> (pg. 992]. The Sy No 43 (including 43/1 and 43/1-A) which has been excluded from Private forest in the RC's II report although both 43/1-A and 43/1 were Final in the SGFDC (Araujo) report has not been re-visited and verified for forestry status as per NGT directions. Hence no development is permissible on the plots. The applicant's O.A must be allowed.	944, 992
22.	Nove mber 2023	Part-Final Report No 7 of RC-II states that the RC has found a total of 550 Final sy nos listed in the T&A committee reports. Out of 550 sy nos, 9 Sy Nos were considered by RC-I and all 9 were finalised as private forest. 272 sy nos were considered by RC II in its reports Nos 1-6, and only 1 sy no was finalised as private Forest. RC II states that these 272 sy nos are considered as "already reviewed" by NGT in its judgment and will not be re-visited again as the NGT has upheld the methodology adopted by the RC-II. Hence there is no necessity to follow NGT directions for them and the NGT direction in para 91 of its judgment will apply only to the future sy nos i.e., balance 269 sy nos.	994, 998-1000

		Balance 269 Final sy nos of T&A are reviewed in the 7th report. By following the NGT directions for physical site visit and verification, the RC II has found 211 Sy Nos out of 269 sy nos to be private forest. [Compare this figure with the fate of the previous 272 Final Sy Nos which were subjected by RC II to FSI maps only. The 7th report shows that of the 272 Final sy Nos of the previous 6 reports, only 1 qualified as Private forest as per RC II whereas after physical site visit of the 269 sy nos, 211 have qualified as private forest] (pgs 998 - 1000) • List of 269 final sy nos of T&A reports reviewed in 7th report - *pg 1451* • List of 211 sy nos found to be private forest by following directions in NGT (area - 128.709 ha.*)* - *pg 1467*	
23.	04.01.2024	GF has appealed the NGT order on two grounds: (i) that the RC-II could not have reviewed the Final sy nos in the T&A reports; (ii) that RC-II's methodology which led to exclusion of large areas of final and provisionally identified forest, solely on the basis of FSI maps, and without site visit, is incorrect and is also not the methodology adopted by any expert committee in Goa or RC-I for finalisation of private forest.	
24.	18.03.2024	SC has admitted the applicant's Civil Appeal and stated that it requires final hearing and shall be treated as admitted.	1484

25.	24.09.2024	SC has directed that the GF appeal will be heard on 4th December 2024. As there was a change of listing arrangements in the SC after the new CJ took over, the matter was not listed on 4.12.2024. The applicant has filed for urgent hearing of its C.A and interim relief. [There is no stay of the NGT judgment. Hence the directions issued in para 91 of the NGT judgment must be complied with]	1305

PLACE: PUNE
DATE: 10.02.2025

Sr. Adv. Ms. Norma Alvares,
with Adv. Om Anthony D'costa
and Adv. Maitreya Prithwiraj Ghorpade

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Introductory Note of the Applicant

1. **OA 170** was filed by the applicant in January 2010 and it raises the following main grounds as to why the approvals for the project of DLF Homes and Estates Pvt Ltd., hereinafter "DLF" (Resp No 1) on Sy No 42/1-A must be cancelled:

   i. that Sy No 43/1-A and part of Sy No 43/1 is forest, hence FCA, 1980. is applicable and no development is permissible without clearance from the Ministry of Environment (hereinafter "Ministry").

   ii. that Sy No 43/1-A is substantially steep hillslope (gradient of > 25%) and hence no development is permissible as per the Guidelines for implementation of the Goa's Town & Country Planning Act, 1974 and as per the Ministry's "Committee for Identifying Eco-Sensitive Parameters".

2. The Prayers in the OA are to quash and set aside all approvals granted for the development project and to restore the forest cover on the plot. (*pg 39*)

3. At the very first hearing of the petition on 12th January 2010, the High Court stayed any further felling of trees and cutting of the hill on which the project was to be constructed. In April 2010, the Ministry directed DLF not to construct its project, as it had decided to examine afresh the issues raised in the petition. Hence the Ministry directed that the EC granted on 11th January 2010 for Sy No. 43/1-A was held in abeyance, on the grounds that the Ministry needs to ascertain:

   (i) whether the property is forest

   (ii) whether the property is steep hillslope.

   The EC is still held in abeyance. The High Court stayed development of the project.

4. The Resp Company then filed **O.A. 171/2024 [WZ]** challenging the Ministry's decision to hold the EC in abeyance.

5. There have been several reports testifying to the forestry nature of the plot and also that it comprises areas which are steep slope. However, DLF submits that both the forest and the steep hill slope issues do not survive in view of events that have taken place after the filing of the petition.

6. **<u>On forest</u>:** DLF submits that the plot has been excluded by a Review Committee which was appointed by the State government to review the two State level Expert Committee reports - Thomas & Araujo - for North & South Goa respectively and the Review Committee reports have been upheld by the NGT in its judgement dated 12.09.2023. Hence the plot is not private forest.

7. **<u>On steep hill slope</u>:** DLF submits that as the Applicant had stated that it would not press the issue of steep hillslope in its petition which is recorded in the High Court's order dated 17.10.2013, when the matters were transferred to the NGT, the Applicant cannot agitate it again.

8. The Applicant disputes this position. Applicant maintains that insofar as O.A. 170 is concerned, the O.A. is limited only to the issue of the forest status of the land. The Order dated 17.10.2013 clarifies that this petition is with regard to the Forest Conservation Act only. Hence, the Applicant will argue only the forest aspect in O.A 170/2024.

9. However, in O.A. 171/2024 where the GF is Resp. No. 3, the GF will respond to the grounds for suspension of the EC, one of which is the issue of steep hill slope on which the project is proposed to be constructed. The Court has specifically recorded that OA 171 concerns the Environment Protection Act, 1986, and that all rights and contentions of the parties are left open.

This is the broad controversy in the two OAs.

Sr. Adv. Ms. Norma Alvares,
with Adv. Om Anthony D'costa
and Adv. Maitreya Prithwiraj Ghorpade

PLACE: PUNE
DATE: 10.02.2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH AT PUNE

O.A. NO. 170/2024 [WZ]
[*Formerly O.A. No. 26(THC)/2013 [WZ]*]

BETWEEN:

THE GOA FOUNDATION AND ANR.

...APPLICANT

AND

DLF Homes Goa Pvt. Ltd. & Ors.
(Earlier known as M/s. Sarawati Builders & Constructions Pvt. Ltd.)

...RESPONDENTS

LIST OF EVENTS WITH DATES

1. Sy No 43/1 which is the subject matter of the O.A is located in Dabolim village in South Goa. It originally admeasured approx. 1,05,000 sq mts. It was previously owned by Resp no 3 (Vithal Naik) who sold it to Resp No 2 (Anand Builders). The Resp No 2 sold 77,294 sq. mts from it to Resp No 1 (DLF / formerly Saravati Builders) and after partition, the 77,294 sq mts area was numbered as Sy No 43/1-A. The Resp No 1 made plots and sold them to various parties who are joined as the Resp Nos 12 - 47 in the O.A. The Resp No 1 (DLF)'s project is a group housing of 600 plus luxury flats, guest houses, club house etc.*(paras 3 & 11 of the OA)*

2. From the remaining area of 27,700 sq. mts. an area of 10,630 sq mts was reserved by Resp No 2 for the mundkars (as per law). The Resp. No 2 further discloses that he made plots of the balance 17,070 sq.mts which he sold to various parties. Resp No 2 claims that as he has sold all his property, he has no right interest or title in the subject matter of the O.A and wishes to be discharged from the proceedings. (Resp No 2 *I.A. for discharge is at pg 1189*). The Applicant has opposed his discharge from the proceedings (*pg 1395*).

3. The Applicant has challenged development on both Sy No 43/1-A and Sy. No. 43/1 as the Sy No 43/1-A is a thickly forested, hilly area, on which no development can take place without forest clearance from the Ministry of Environment. It also has a steep slope of >25 % for which reason development is not permissible as per the State Town & Country Planning Act as well as per the Ministry's Committee for Identification of Eco-Sensitive Areas. The Applicant has also challenged development on Sy No 43/1 as the forest is contiguous on both areas. *(paras 3 & 11 of the OA)*

4. The forest is still standing on the Sy No. 43/1-A except where tree felling permissions were granted by the Dy Conservator of Forests under the Preservation of Trees Act. First permission is dated 12.09.2008 for 47 trees on Sy No 43/1-A (*pg 74*); second permission is dated 28.05.2009 for 45 trees on Sy. No. 43/1-A (*pg 89*), and the third permission is dated 25.05.2007 for 73 trees on Sy. No. 43/1 (*pg 1310*).

Thus a total of 165 trees were officially felled on Sy No 43/1-A and 43/1 prior to the filing of the petition.

[The OA refers to two tree felling permissions at paras 31 and 32 and refers to the 3rd permission in the Applicant's rejoinder affidavit dated 11-11-2024 (*pg 1205 @ 1310*)

5. There is a hill cutting permission granted by the Town Planning dated 02.09.2009 (*pg 184*). The Guidelines clarify that no development permission is permissible on steep slopes i.e > 25% (*pg 182*). The OA refers to hill cutting permissions in paras 60, 61.

6. The Ministry, after initially rejecting grant of EC for lack of appropriate information on contours of the property, granted EC in 2009 (*paras 37 to 40 of the OA*). After DLF sought to expand the project to 700 plus flats, a revised EC was issued on 11 January 2010 [*pg 191(i)]* The OA refers to EC of 2009 in paras 37 - 40 and to the EC of January 2010 in para 67 of the O.A.

7. The WP No 13/2010 was filed in January 2010.

8. Photographs - pg *52*

   Satellite imagery - pg *1274*

LIST OF DATES / EVENTS

Sr No	Date	Particulars	Pg nos
1.	11.01.2010	Ministry grants revised EC	647
2.	12.01.2010	HC stayed the further felling of trees and cutting of the hill	655
3.	15.04.2010	Ministry decided to hold EC in abeyance to re-consider: (i) whether the project area is forest; (ii) whether cutting hillslope on a gradient of > 25% is not permissible as per State Town Planning rules; (iii) whether implementation of the project requires felling a large number of trees on steeply sloping terrain in areas identified as Eco-sensitive as per Ministry's Committee for identifying Eco Sensitive parameters.	657
4.	27.04.2010	HC directed status quo on construction activity in the project.	659
5.	24.02.2011	Ministry constituted a Technical Committee to examine whether the site is located in forest land, and whether the slope as it exists is suitable for development.	1238

6.	19.04.2011	Technical Committee report was placed on record in the O.A by the Ministry. On forestry, the Technical Committee stated that retaining the natural vegetation in the areas especially the portion with slope of about 25% of the project as forest appears to be necessary from the overall environment point of view. However, it suggested that the final decision be taken by Ministry after the report of the Committee constituted by the Govt. to identify private forest is settled.	1240
7.	10.04.2012 02.05.2012	HC directed the Forest Dept to inspect the site and prepare a forest status report of Sy. No. 43/1-A and 43/1 which would be circulated among the parties and also sent to the Ministry for its decision on abeyance of E.C.	1248 1250
8.	27.11.2012	State Expert Committees (Thomas & Araujo) appointed to complete balance identification of private forest in North & South Goa respectively	666
9.	25.06.2012	Forest Dept submits Field inspection report of DCF South Goa which states that the DLF property meets the 3 criteria of private forest. However, Sy. No. 43/1 [Resp No. 2] is not private forest.	1252 @ 1256 Image 1274
10.	22.07.2013	Ministry files its affidavit to the Forest Dept Report where it states at para 4 (c) that in the light of the Forest Dept. report, the area owned by DLF is private forest land and that prior permission is required under the FCA. In para 6, the Ministry states that it will lift the EC abeyance order only after the High Court decides the matter.	1282

11.	17.10.2013	HC transfers both petitions to NGT	668
12.	03.04.2014	NGT accepts the SGFDC (Araujo committee) submission that it will site visit the property and submit a report on the forest status of the property within 4 weeks. O.A. is stood over to 22.05.2014. On 22.05.2014, the NGT order records that AG informed that the inspection report is prepared will be filed within a couple of weeks and that copies will be furnished to all concerned. The O.A was stood over to 18.07.2014.	672
13.	May 2014	The DCF submits SGFDC Report dated 07.05.2014 to NGT and copies were served on the parties. The report states that Sy No 43/1-A, to the extent of 73,162 sq mts is forest and Sy No 43/1 to the extent of 1250 sq mts is also forest. [As recommended by the Ministry's Technical Committee, the SGFDC report ought to have been submitted to the Ministry to decide forest status of Sy No 43/1-A. However, before the report could be considered by the NGT, the DLF had obtained stay on the report from the HC].	673 @ 680
14.	25.06.2014	HC stays consideration of report as DLF claims it was not given a hearing. All proceedings at NGT thereafter come to a halt.	681
15.	30.10.2014	In view of HC order, the SGFDC gives a detailed hearing to DLF and submits a supplementary report, where it maintains that Sy No 43/1-A is forest and affirms its earlier report.	1298@ 1303

16.	23.04.2018	Both Thomas & Araujo committees are disbar[illegible] and a Review committee appointed to review all 4 expert committee reports.	684
17.	Dec. 2018	The SGFDC (Araujo committee) submits its final report to Govt. Araujo report includes Sy No 43/1A and part of Sy No 43/1 in the section marked Final Identification (pg 727 and 745). The SGFDC final report includes the report it had prepared for the NGT (at pg 770) and also the supplementary report (at pg 778)	685 @ 727, 745, 770, 778
18.	30.01.2020	As RC I completes review of S&K reports only, hence RC II appointed to review Thomas & Araujo reports.	822
19.	26.04.2021	RC II produces 1st Part-Final Report which discloses the methodology followed by the RC-II i.e T&A maps were superimposed on the FSI maps and all areas which did not tally with the FSI maps were simply deleted from consideration. Thus out of total of 3195 sy nos which were identified as private forest, only 1833 were to be reviewed through field visits, survey and public hearing for finalisation as private forest. Excerpt of 1st report annexed.	1477
20.	June 2021	RC-II produces 2nd Part Final report wherein entire Sy No 43 is excluded as Private forest. Report shows that no site visit was made to Sy No 43 (including 43/1-A) and Sy No 43 was deleted solely on the basis that it did not meet the criteria of area and canopy density as per FSI maps. Hence, it was excluded from consideration as private forest despite ll the earlier reports of the Forest Dept., Ministry's Technical Committee, and S.G.F.D.C. No site visit was made to plot to verify forest status. Sy No 43 is in the catey marked D: Sy Nos not qualifying Area and Canolensity (pg 860) and hence excluded as forest in Annexe IV at pg 872. Sy No 43 is listed at Sr N[illegible]on pg 874.	856, 860, 872, 874

3809/2023 HC Copies of MP 379/04

939

21.	12.09.2023	NGT disposes of the GF's M.A. 3/2023 challenging the 6 reports of RC-II. NGT notes the procedure adopted by the RC-II at para 19 (pg 951) which is confirmed by the State at para 47 (pg 965). NGT upholds the methodology followed by RC-II at para 89 (pg 992). However, in para 91 (at pg 992) NGT deals with Final Sy Nos in the T&A reports and directs that in regard to sy nos marked as Final in the Thomas & Araujo reports but which have been excluded in the RC-II reports, <u>these Final Sy Nos. should be verified physically with respect to all three criteria and till the final decision is taken no permissions shall be granted for any kind of development on the said plots</u> (pg. 992]. The Sy No 43 (including 43/1 and 43/1-A) which has been excluded from Private forest in the RC's II report although both 43/1-A and 43/1 were Final in the SGFDC (Araujo) report has not been re-visited and verified for forestry status as per NGT directions. Hence no development is permissible on the plots. The applicant's O.A must be allowed.	944, 992
22.	November 2023	Part-Final Report No 7 of RC-II states that the RC has found a total of 550 Final sy nos listed in the T&A committee reports. Out of 550 sy nos, 9 Sy Nos were considered by RC-I and all 9 were finalised as private forest. 272 sy nos were considered by RC II in its reports Nos 1-6, and only 1 sy no was finalised as private Forest. RC II states that these 272 sy nos are considered as "already reviewed" by NGT in its judgment and will not be re-visited again as the NGT has upheld the methodology adopted by the RC-II. Hence there is no necessity to follow NGT directions for them and the NGT direction para 91 of its judgment will apply only to the future sy i.e., balance 269 sy nos.	994, 998-1000

		Balance 269 Final sy nos of T&A are reviewed in the 7th report. By following the NGT directions for physical site visit and verification, the RC II has found 211 Sy Nos out of 269 sy nos to be private forest. [Compare this figure with the fate of the previous 272 Final Sy Nos which were subjected by RC II to FSI maps only. The 7th report shows that of the 272 Final sy Nos of the previous 6 reports, only 1 qualified as Private forest as per RC II whereas after physical site visit of the 269 sy nos, 211 have qualified as private forest] (pgs 998 - 1000) • List of 269 final sy nos of T&A reports reviewed in 7th report - *pg 1451* • List of 211 sy nos found to be private forest by following directions in NGT (area - 128.709 ha.) - *pg 1467*	
23.	04.01.2024	GF has appealed the NGT order on two grounds: (i) that the RC-II could not have reviewed the Final sy nos in the T&A reports; (ii) that RC-II's methodology which led to exclusion of large areas of final and provisionally identified forest, solely on the basis of FSI maps, and without site visit, is incorrect and is also not the methodology adopted by any expert committee in Goa or RC-I for finalisation of private forest.	
24.	18.03.2024	SC has admitted the applicant's Civil Appeal and stated that it requires final hearing and shall be treated as admitted.	*1484*

25.	24.09.2024	SC has directed that the GF appeal will be heard on 4th December 2024. As there was a change of listing arrangements in the SC after the new CJ took over, the matter was not listed on 4.12.2024. The applicant has filed for urgent hearing of its C.A and interim relief. [There is no stay of the NGT judgment. Hence the directions issued in para 91 of the NGT judgment must be complied with]	1305

11.02.2025

PLACE: PUNE
DATE: 11.02.2025

Sr. Adv. Ms. Norma Alvares,
11.02.2025 *with* Adv. Om Anthony D'costa
and Adv. Maitreya Prithwiraj Ghorpade

BEFORE THE NATIONAL GREEN TRIBUNAL

AT PUNE

(Under Section 18 read with Section 14 and 15 of the National Green Tribunal Act 2010)

APPLICATION NO.26 (THC)/2013

SARAVATI

IN THE MATTER OF:

The Goa Foundation & Anr. ...APPLICANTS

VERSUS

M/s Saravati Builders and Construction Pvt Ltd. & ors

...RESPONDENTS

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PUNE

DATED:

BEFORE THE NATIONAL GREEN TRIBUNAL

AT PUNE

MEMORANDUM OF APPLICATION

(under Section 18 read with Section 14 and 15 of the National Green Tribunal Act 2010)

APPLICATION NO. 26 (THC)/2013

(Original Writ Petition No.13/2010 transferred to NGT by High Court order dated 17.10.2013)

IN THE MATTER OF:

1. Goa Foundation, a society registered under the Societies Registration Act, 1860, through its Secretary, Dr. Claude Alvares, and having its registered office at Room 7, Above Mapusa Clinic, Mapusa, Goa

2. Edwin Mascarenhas, resident of 58 B, Near Chicalim Park, Chicalim, Goa. ...Applicants

v/s.

1. M/s Saravati Builders and Construction Pvt Ltd F-2, Landscape Excelsior (1st Floor), Opp. Kala Academy, D.B. Road, Campal, Panaji, Goa.

2. Anand Builders, 801, 8th Floor, Anand Square, Block 'B', Near Sanjeevani Hospital, Baina, Vasco da Gama.

3. Vithal J Naik, r/o H.No.393,
Near Sri Vithal Mandir, Comba, Margao, Goa.

4. Chief Town Planner, Town and Country
Planning Department, Dempo Towers
Patto, Panaji, Goa

5. Town and Country Planning Board
through its member secretary,
Town and Country Planning Dept,
Dempo Towers, Panaji, Goa.

6. Mormugao Planning & Development
Authority, through its Member Secretary,
Commerce Centre, 2nd Floor,
Vasco da Gama, Goa 403802

7. The Tree Officer and DCF (S)
Forest Department,
South Goa Division, Margao, Goa

8. State of Goa through
its Chief Secretary, Government of Goa,
Secretariat, Porvorim, Goa.
through Advocate General, Panaji

9. The Secretary, Ministry of Environment &
Forests, Paryavaran Bhavan, C.G.O.
Complex, Lodi Road, New Delhi 110 003.

10. Panchayat of Chicalim through its
Secretary, Chicalim, Goa.

11. Dy. Collector, Mormugao, Goa

12. Kenneth Pereira,
Pereira Chambers, Fr. Jose Vaz Road, Vasco.

13. Sajjad Hussein,
Flat No.T-2, Block–1, Adarsh Nagar, Airport Rd, Chicalim

14. Mohammed Aarif Bhatti,
Teleyan Mohala, Near Bisav Gate, Ward No. 9,
Ramgarh Sekhawati, Dist: Sekal, Rajasthan.

15. Rajan Ramani, Flat No. 2, Mahambre Building,
F.L. Gomes Road, Vasco da Gama, Goa.

16. Dinesh D. Lokapure, 30/13 Empress Graden View Society,
Sopan Baug, Pune, Maharashtra.

17. Sandeep Janardhan Halarnekar,
House No 141-F, Green Valley, Chicalim, Goa.

18. Naresh G. Naik,
145-N, Shiv Shakti, Alto Dabolim, Goa.

19. Anuprita Prabhu, 402, Deepika CHS Pakhadi,
Kharegaon, Kalwa Thane (West).

20. Suraj N. Waghmode, H. No. 220, Near MPT Ground,
Patrong, Baina, Vasco da Gama, Goa.

21. Santhos Kumar S.,
H. No. 69, Near Pai Hospital, Vaddem, Vasco, Goa.

22. Saby Fernandes, Dr. Mapxencar Bldg., 3rd Floor,
Above Sanjeevani Hospital, Baina, Vasco, Goa.

23. Santosh V. Shetye,
Sapna Vihar, Near Vaddem Lake, Vaddem, Vasco, Goa.

24. Anantha Sarathy,
Lily, Near SMRC, Airport Road, Chicalim.

25. Desville B. Miranda,
Vasco Towers, 6th Floor, Flat No. 25, Vasco, Goa.

26. Babasaheb R. Desai
Tambamala Ichalkamji, Kolhapur, Maharashtra.

27. Mency Lorina Britto,
H. No. 56, Headland Sada, Mormugao,

28. Sumedha Gunjal,
H. No. 25, Alto Chicalim, Opp. Cottage Hospital, Chicalim.

29. Gopal Krishna Vasant Shetye,
H. No. 201, Vaddem, Vasco da Gama, Goa.

30. Unnati Singh Mahar,
H. No. 37, Nofra, Colaba, Mumbai 400 005.

31. Dr. Shridhar & Dr. Usha S. Pai,
Pai Hospital, Vaddem, Vasco da Gama, Goa.

32. Sheik Rahid, H. No. 105/C-1, Opp. Neelgagan Apts.,
Behind RTO Office, Arlem, Raia, Salcete, Goa.

33. Sunil Kumar Kalyanshetty, B/V/F-4, Sainarayan Apt.,
Near El-Monte Theatre, Rumdawada, Vasco, Goa.

34. Kishan Kumar Yadav,
H. No. 447, Shanti Nagar, Nr Dipti Garage, Airport Rd, Vasco.

35. Ashok Dhar,
Maria Apt., 2nd Floor, A-s1, Merces Vaddo, Vaddem, Vasco.

36. Christopher Mascarenhas,
H.No. 15/C, Near PWD Water Tank, Alto Chicalim.

37. Dalit Singh,
Antrix Manor, Opp. Naval Stores Depot, A.G.2, Dabolim.

38. Deepa & Ramakrishna S. Gaonkar,
S-4, 2nd Floor, Block – B, Antrix Manor, Alto Dabolim, Vasco.

39. Ravi Nilaya Majalikar,
B 3/2, GSL Officers Enclave, Airport Road, Chicalim.

40. Simon G. Pereira,
S-2, 2nd Floor, Teli Bldg., Baina, Vasco da Gama, Goa.

41. Raghunath Gopal Naik,
H. No. G-106, Ground Floor, Mahima Vastu, Dabolim, Goa.

42. Nitish Ramchandra Kadam, H. No. 41/4, Anand Estate,
Behind Naval Stores Depot, Alto Dabolim, Goa – 403 801.

43. Eknath S. Parab,
Flat No. 01, Nelnish Apts., Mangor Hill, Vasco.

44. Rajesh Shirodkar,
H. NO. 416, Near Daji Bus Stop, New Vaddem, Vasco.

45. Vithal Ravappa Chawan, Mahima Vastu,
Flat No. 102, Near Naval Stores Depot, Dabolim, Goa.

46. Joaquim Antao, F.X. Towers, Flat No. 501, 5th Floor,
Opp. MPT Institute, Swatantra Path, Vasco, Goa.

47. Mohan P. Sawant
Mormugao)...Respondents

THIS APPLICATION MOST RESPECTFULLY SHOWETH:-

1. The address of the Applicant is given above for service of notices of this Application.
2. The addresses of the Respondents are given above for the service of notices of this Application.
3. The applicant by the present application seeks to raise "substantial questions relating to the environment" connected with implementation of the Forest Conservation Act, 1980 in the State of Goa and enforcement of the directives of the Hon'ble Supreme Court in the *Godavarman* matter. This application is being filed to challenge the approvals and development work on Sy No 43/1-A in connection with the group housing project of the Respondent DLF No.1. According to applicants, the area in which the project is located is no-development zone steep hill slope and is also thickly forested. Approvals granted by the statutory authorities are being challenged on several grounds, including conflict of the approvals with earlier orders protecting forests and slopes passed by the Hon'ble High Court. Applicants are also challenging any development work on the land owned by the Resp.No.2 on

R-2. is the original plot from which Sy No 43/1-A is carved

7

Survey No.43/1 on the grounds that the land is forested and contiguous part of the forest standing on Survey No.43/1-A.

FACTS AND ISSUES BEFORE THE TRIBUNAL:

4. The State of Goa has recently gone through a major social convulsion when large scale objections and protests were voiced against the notified Regional Plan for Goa 2011 which had fallen into the hands of developers and speculators during its preparation. Vast tracts of hilly lands, forest areas and paddy fields were laid open for speculative development. Due to the continuous and determined protests, Government finally bowed to public opinion and the statutory plan was scrapped.

5. Pursuant to this major and unprecedented decision, Government of Goa set up a Task Force on the Regional Plan 2021, headed by the Chief Minister and with noted architect and city planner Charles Correa as Vice-Chairman. The Task Force was assisted in its work by Edgar Ribeiro, former Chief Town Planner of the Government of India. Representatives of civil society were also nominated to the Task Force for the preparation of the statutory plan. Public hearings were held and the draft plan after preparation was despatched to the villages of Goa for public consultation, modification where desired, and approval. The draft Regional Plan 2021 was thereafter notified in the official gazette on 16.10.2008.

6. In the case of Chicalim village as well in which the impugned project is located, the draft Regional Plan 2021 was received by the Panchayat in November 2008 and a village level committee set up for the exercise of bringing in the people's inputs into land use planning. A copy of the notified draft Regional Plan 2021 in respect of Chicalim village sent to the village by the Task Force is annexed to this application at ***Annexure 1***. It can be seen from the plan that several areas (including the plot on which the impugned project is proposed) have been demarcated

as no-development zones (green zigzag lines) due to their being steep slopes. The identification of no-development zones is based on the existing contour maps of the Government of India made available to the Task Force. This identification is as per the policy of the Goa Government which was itself the result of Writ Petition No 257/2001 filed by the petitioner No.1 regarding protection to slopes from construction. Copy of judgement dated 13.10.2008 in Writ Petition No 257/2001 is at ***Annexure 2***.

7. The Outline Development Plan (ODP) prepared by the Mormugao Planning and Development Authority (MPDA) however shows parts of the same area as settlement zone (S1, S2) and part as recreation zone (R). Copy of the ODP area map with the Survey No.43/1 (before partition) highlighted in a box is at ***Annexure 3.*** The ODP also has Government approval and was finally notified in 2009 despite objections from Dabolim, Sancoale and Chicalim villagers. With regard to the impugned plot, the ODP is obviously in conflict with the draft Regional Plan 2021. The notified ODP also does not respect the orders of this Hon'ble Court on hillslopes and forest referred to above. Based on the ODP, planning and development permission (deemed) from the MPDA (Resp.No.6) has been procured by the Resp.No.1 and the village panchayat (Resp.No.10) has also concurred by granting construction license. The proposed destruction of steep, forested hillslopes – contrary to law and in violation of the orders of the Hon'ble Court – is imminent. Hence this application.

8. In addition to this issue of protection of hillslopes, applicants are also approaching this Hon'ble Court for protection of the forest area on the impugned plot. In the opinion of applicants and the authorities, the entire plot has thick forest. The forest is still standing in most of the plot except in the area where the Resp. No. 1 was given permission to fell some trees and has instead clearfelled the area. Pictures of the forest on the plot, clearfelled

area, single construction erected and felled timber are at ***Annexure 4 colly***.

9. In addition, petitioner No.1 has recently approached the office of the Department of Science, Technology and Environment and sought information from satellite data on the nature of the plot. The Department has confirmed in writing that the area and its surroundings are having "dense vegetative cover". Copy of the letter dated 22.12.2009 is annexed to this application as ***Annexure 5***. Picture of the approved plans superimposed on the satellite photo of the site is at ***Annexure 6***.

10. It is a matter of record that petitioner No.1 has approached this Hon'ble High Court on several occasions for the protection of forest areas of the State and the Hon'ble Court has issued appropriate orders from time to time. As the identification of private forests pursuant to Supreme Court's order dated 12.12.1996 (in the *Godavarman* case) has not been completed and in the interregnum forests were being destroyed, the Hon'ble High Court was pleased to direct in Writ Petition No.334/2006 that any plot with tree cover being proposed for development must procure prior NOC from the Forest Department. Order dated 21.11.2006 in W.P No 334/2006 is at ***Annexure 7***. In this case no prior NOC has been obtained from the Forest Department even though the area is dense with tree cover.

11. It is in the context of these concerns and orders of the Hon'ble High Court and the notified draft Regional Plan 2021, that this public interest application is being filed to challenge the massive group housing project of the Respondent No.1 on Sy.No.43/1-A of Dabolim village which falls under jurisdiction of Chicalim Panchayat. The project involves construction of over 600 luxury flats and amenities including guest houses and club house on a plot of land that admeasures 77,294 sq.mts. The location of the project is a forested slope that has already been notified in the

draft Regional Plan for Goa as a no-development zone due to its steep contours. Despite this, but because of the obvious influence and clout of the Resp.No.1, patently illegal approvals have been recklessly and with unholy speed granted by the various statutory authorities. The applicants are also challenging any development activity carried out or proposed on approx. 17,070 sq mts of land on Sy No. R-2 43/1 which is owned by Resp. No 2 on similar grounds.

12. From information gleaned through the RTI Act and made available to applicants, it is apparent that the Respondent Nos.1-3 have procured the following permissions and approvals which are sought to be challenged via this application:

A) Order dated 30.1.2007 granting exemption from obtaining conversion sanad under the provisions of the Goa Land Revenue Code.

B) Two permissions dated 12.9.2008 and 28.5.2009 to fell a total of 92 trees issued by the Tree Officer under the provisions of the Goa Preservation of Trees Act, 1984.

C) Environment clearance dated 2.2.2009 under the EIA notification issued under the Environment Protection Act, 1986.

D) "Deemed approvals" from the MPDA and from the Town and Country Planning Board. [There are no formal NOCs or orders issued by the MPDA approving the subdivision of the plots or the development on Sy.No.43/1-A].

E) "Consent to Establish" dated 10.7.2009 from the Pollution Control Board.

F) Five construction licenses dated 17.7.2009 issued by the Panchayat of Chicalim for five plots admeasuring 77,294 sq.mts.

G) Permission dated 2.9.2009 from the Chief Town Planner under sec.17A of the Town and Country Planning Act, 1974 for hill cutting along the slopes.

13. Copies of the last of these permissions under RTI were issued to the applicants in December 2009.

14. Applicants are challenging these permissions now on specific grounds listed issue-wise below.

A. Exemption from provisions of the Goa Land Revenue Code

15. Applicants state that the entire plot of Survey No.43/1 admeasuring 1,02,775 sq.mts was previously in the name of Vithal and Indira Naik (Resp.No.3). They signed a power of attorney in favour of one Mr Anand Bose, sole proprietor of Resp.No.2, enabling him to do all acts for sale and development of the plot including securing of development permissions. Since there were mundkar houses on the survey, application for partition of mundcarial settlement was made in 2006 and a final subdivision order dated 22.12.2006 was issued by the authorities separating the mundcarial plot of 8,405 sq.mts from the rest of the plot area. Thus, by 22.12.2006, the mundcarial houses, already deemed to be in the ownership of the land under the Mundkar Act, were effectively partitioned from the rest of Survey No.43/1 which now admeasured 94,370 sq.mts.

16. By order dated 20.2.2006, issued under Section 35 of the Goa Land Revenue Code 1968, the Goa Govt allowed certain classes of lands for exemption from several provisions of the Code, including Sec.32 which requires conversion sanad. Section 35 however requires the action to run the gauntlet of "public interest". As per a circular dated 9.10.2006 issued by the Dept of Revenue, any person desirous of availing the benefit of the order dated 20.2.2006 had to submit "Survey Plan in original" issued by the Directorate of Settlement and Land Records along with a certificate that the said survey plan is the first plan prepared in

1970s. The applicant also had to submit an NOC from Town Planning that the land for which exemption was applied for falls within the Settlement Zone as per the Regional Plan / ODP. The Dy Collector is required to conduct an inquiry and satisfy himself on the correctness of the application. Copy of the Govt Order dated 20.2.2006 and circular dated 9.10.2006 are at ***Annexure 8 colly.***

17. On 29.1.2007, relying on the purported existence of the mundcarial houses which had already been separated from the rest of the plot proposed for development, the Resp.No.3 made an application before the Dy. Collector, Mormugao for exemption of the entire Survey No.43/1 from the operation of Section 32 of the Land Revenue Code 1968 on account of order dated 20.2.2006 issued by Government. The said application did not disclose that the plot had already been partitioned and that therefore the houses purportedly existing on the plot were no longer part of the property represented by the Resp.No.3. Copy of the application dated 29.1.2007 is at ***Annexure 9.***

18. Applicants state that the documents from the DSLR annexed to the application were not as per the requirement. Also no survey plan in original was annexed. Further, NOC from Town Planning was not produced. Instead a letter with plan issued by MPDA was submitted which stated that the entire plot is settlement zone (S1 and S2). This information was in fact false as the ODP shows a green belt in the area which is zoned as R (recreational) while the areas above and below it are zoned S1 and S2. The zoning R for part of Survey No.43/1-A is also irregular and colourable exercise of power as the rest of the belt going around the villages of Chicalim and Sancoale is shown uniformly as A2 or Natural Cover. Obviously a sly attempt to help the Resp.No.1 has been made by the MPDA (Resp.No.6). No justification for the special treatment is made.

19. On 30.1.2007 (the following day), without holding any enquiry and without obtaining NOC from the Forest Dept, order of exemption was passed by the Deputy Collector in favour of the applicant. Copy of the exemption order is at ***Annexure 10***. Thus it was that a Rs.130 crore project with flats that would be sold each at more than a crore to speculators from all over the country as a second luxury home in Goa was exempted purportedly "in public interest" from having to obtain conversion sanad. By the said order, approximately Rs.25 lakhs was lost to the public exchequer as conversion charges.

20. Applicants submit that the Deputy Collector was duty bound to investigate what was the land-use of the Survey No. prior to its zoning as Settlement / Recreational in the ODP 2011. This he failed to do. The earlier ODP had zoned part of the area in fact as A2 and balance as S5 and S6. The Regional Plan 2001 had zoned it largely as orchard. Land use taluka map of Sy.No.43/1 in the Regional Plan 2001 (still in force) is annexed at ***Annexure 11***.

21. Applicants submit that a bare perusal of the circular dated 20.2.2006 shows that it is *per se* in violation of the Forest Conservation Act, 1980. Applicants further submit that it is also contrary to the Hon'ble High Court's order dated 17.6.2003 in Writ Petition No 344/2002 wherein the Court had recorded the undertaking of the Advocate General that clause (v) of circular dated 23.5.1997, then in force – which permitted conversion sanad to be issued without reference to Forest Department – would be deleted. At that time the Ministry of Environment too had filed affidavit stating that the said clause was in violation of the Forest Conservation Act. Copy of circular dated 23.6.1997 is at ***Annexure 12***. Copy of Order dated 17.6.2003 in Writ Petition No 344/2002 is at ***Annexure 13***. Applicants submit that the clear intent of the relevant portion of the order dated 17.6.2003 was to prevent any lands being exempted from securing NOC from the

Forest Department under the FCA, 1980, prior to commencing development. In other words, without NOC from the Forest Dept. that FCA clearance is not required, no permission for development of any kind ought to be granted.

22. In fact, subsequently, on 7.3.2007 the government itself issued fresh order superseding the order dated 20.2.2006 and now imposed limits (1,000 sq.mts) on the size of the plot that could be entertained for such exemptions. The superseding order also stipulated that the existing structures must cover at least 25% of the area of the plot. However, Government does not appear to have recalled the exemptions granted under the impugned order dated 20.2.2006 especially where the area of the plot exceeded the limits set by the subsequent order though it was the abuse of the earlier order that necessitated its being superseded. Applicants state that they were previously unaware of the existence of these Orders / Circular and came to know of them only while examining the permissions related to this project. Copy of Order dated 7.3.2007, also under challenge, is at ***Annexure 14***.

23. Applicants submit that at any rate the Dy. Collector was well aware of the order dated 21.11.2006 in W .P. No.334/2006 which specifically directs the Collectors of North and South Goa not to grant conversion sanad, i.e., permit development on any plot with tree cover without prior NOC from the Forest Department. Hence, irrespective of any orders / circulars from Government, the Dy. Collector was bound to comply with the orders of the High Court before granting exemption to Resp. No.1 under the said order/circular.

24. Applicants are therefore challenging the order of the Dy Collector dated 30.1.2007 for being in violation of the Forest Conservation Act, 1980, for being in violation of order dated 21.11.2006 in W.P. No.334/2006 and for being passed without

application of mind or after necessary enquiry. His action has caused enormous loss to the public exchequer as well.

25. Applicants are also challenging the *vires* of the order dated 20.2.2006 as the order is contrary to the objects of the Code, and moreover, exemptions under the Code can only be issued for "class of lands" which are defined in the Code as "dry crop, rice, garden land or non-arable land" all of which are agricultural categories. The class of land must be specified in the order. Without the specification, the order is bad in law as it is *ultra vires* the Act.

26. Further, actions taken under the order dated 20.2.2006 have led, as in the present instance of Survey No.43/1, to violations of the provisions of the FCA, 1980 and orders of the Supreme Court of India. The Govt. orders are at any rate contrary to this Hon'ble Court's order dated 17.6.2003 in Writ Petition No 344/2002. Finally, the actions taken under the order are not in public interest as they have ended up causing huge losses to the exchequer and favoured influential and rich beneficiaries who are not entitled to such exemptions.

27. Applicants also submit that pursuant to applications filed by the Resp.No.1 to further subdivide the land purchased by them (77,294 sq.mts) from the rest of the plot, necessary orders were issued by the Deputy Collector and a new Survey No.43/1-A was issued to the newly created plot of 77,294 sq.mts. Applicants state that thereafter all applications (including applications to fell trees) have been made by the Respondent No.1 in connection with new Survey No.43/1-A. All development permissions are granted by the authorities in respect of Survey No.43/1-A for which there is in any case no conversion sanad. Thus even if one concedes for the sake of argument that the exemption order dated 30.1.2007 were valid, it would operate only in relation to Sy No.43/1 and not to Sy No.

43/1-A. Any development on Survey No.43/1-A is therefore illegal and is necessarily to be stayed.

B. Permits granted by Tree Officer for felling of trees

28. Survey No.43/1-A and Sy No 43/1 are thickly forested and part and parcel of a 4 km contiguous stretch of natural forest on steep slopes which stretches from one end of the village of Chicalim to the other end of adjacent Sancoale village. Indication that this area is forest in nature is already established by an interim order of this Hon'ble Court already staying all development on another plot in the same belt continuing into Sancoale village (Writ Petition No. 434/2006).

29. Applicant No.1 has been interacting with the Forest Department for identification of this vast segment of natural, protective forest. By letter dated 22.11.2007, copy of which is hereto annexed to this application as *Annexure 15*, petitioner No.1 wrote to the Forest Department for identification of this area as forest. Thereafter staff of the applicant society, in the company of the villagers, have travelled with forest officials in the entire stretch of adjoining Sancoale village identifying forested plots. A large number of Sy.Nos have been noted down and recorded as being forest. However there has been no further progress extending the work into Chicalim village and applicants are still awaiting setting up of a committee to formally identify such areas and for which Applicant has filed Writ Petition No.334/2006.

30. As a result of this lack of action by the State Government (despite the order of the apex court in *Godavarman* being passed on 12.12.1996), large areas of the State on revenue lands and private properties continue to remain as "unidentified" forests. Several cases have been brought to the notice of the Hon'ble High Court again via writ petitions by the applicant No.1 and the Hon'ble Court has been pleased to pass orders and protect such

areas as forests ***despite their not being identified in the two Expert Committee reports that have been submitted to the Hon'ble Supreme Court.*** Recently, in Writ Petition No.277/2009 for example, the Hon'ble High Court has stayed development in all plots of Bethora village on the same grounds.

31. Applicants submit that Survey No.43/1-A and Sy No 43/1 are among the rich forest areas yet to be identified. As seen from the photographs, there is dense forest cover on the said plots. Despite this reality, two applications for felling of trees on the property were entertained and permits for felling issued under the Trees Act, 1984 by the Tree Officer who also holds office as DCF (S). — pg 74 — pg 89

1st perm - 47 trees
2nd " 45 trees

32. The RFO in his report has stated that Forest Conservation Act does not apply. This is incorrect. The plot meets all the criteria of private forest including canopy, forest species and minimum area of 5 hectares. There are other forest criteria as well which the plot meets, including nature of terrain (steep slope). There is also a prohibition in the Trees Act on felling of trees on steep slopes. The RFO's report states that the slope is 30 degrees which is categorized as 'very steep slope'. Despite having this information at hand, the DCF (S) granted two tree felling permissions for two hectares.

33. The DCF (S) was also aware that permission for tree felling was sought on account of proposed development of the plot. Knowing full well that his decision was questionable, he attempted to soft pedal his permission for felling trees in a forest area by stipulating that the Respondent No.1 will reforest the plot with "forestry" species. In the first permission he has stipulated that the party will plant 235 forestry species. In the second permission he has stipulated 225 forestry species. Applicants submit that if the area was not forest in nature there was no need to impose condition to replant forestry species. For this purpose the Forest Department has also secured two bonds

from the Respondent No.1 which squarely tie the Respondent No.1 to replanting and reforesting the area with forestry species.

34. Although the tree felling permissions granted were for 47 trees on the first one-hectare plot and 45 trees on the second one-hectare plot, the exact area of the two plots where felling was permitted was not demarcated as required under the Trees Act. Copy of the documents relating to the felling of trees, RFO's report (one), map showing proposed (approved) felling area (one) and two bonds executed by Resp. No 1 to reforest the area are annexed herewith as ***Annexure 16 colly.***

35. Applicants visited the site on 1.12.2009 together with the DCF (S) for an inspection after they had made a written complaint to the CCF. Report of the Forest Department dated 24.12.2009 which includes a brief report of the site visit, procured under RTI, is hereto annexed to this application as ***Annexure 17***. It clearly indicates that the plot which remains untouched is having good tree cover. The DCF(S) informed the Public Relations Officer of the company who was present at the site that no further trees will be permitted for felling on the plot as he conceded that the rest of the plot was forestry in nature. The inspection revealed that though the first permission granted was for 47 trees on one hectare of plot having 136 trees, all the trees had been felled and while the second permission granted was for felling of 45 trees on one hectare of plot having 231 trees, all trees had been felled. Pictures of the site taken on 1.12.2009 by the petitioner indicate the completely clearfelled area. The Respondent No.1 has cut trees beyond the stipulated two hectares permitted, as the logs assembled on various parts of the plot show. However, offence has since been registered by the Forest Department only in respect of excess felling of 6 trees. Sixteen billamad trees which are wild species were not included in the list, though felled, because the Department claims they are not considered "trees". Petitioner No.1 rejects the contention in

the DCF's report that they could not detect any illegal felling. In fact it was obvious that the area was clear felled and hence far more trees than the number permitted had been illegally felled. There was agreement that the balance of the area is clearly forest in nature.

36. The applicants are assailing the two permissions granted under the Trees Act on the following grounds, among others:

a) The Tree Officer, like any other officer of the Government, was duty bound to enforce the orders of this Hon'ble Court and therefore could not have issued tree felling permissions when he knew the purpose was for construction and therefore prior NOC from the forest department was required. The Respondent No.1 has not sought any permission for conversion sanad for Sy.No.43/1-A.

b) The Tree Officer was restrained by the provisions of the Trees Act from granting permission for felling on slopes of 30 degrees and in excess of two hectares. The two hectares were not demarcated on the ground.

c) Considering that the area is forest, and in addition steep slope, no such permission ought to have been granted at all. Hence the two permits to fell trees were perverse and / or issued without application of mind. They were also obviously issued for extraneous considerations. In any event, the Respondent has clear-felled the plots and violated the terms of the permits granted and bonds signed. For the above reasons, the two permits need to be quashed and set aside and area needs to be reforested. Respondent No.1 is duty bound to reforest the area but is proposing to put up buildings.

C. Environment Clearance dated 2.2.2009

37. As per the provisions of the EIA notification dated September 2006, housing colonies on plots above 20,000 sq.mts have to

procure environment clearance. For this purpose the Ministry of Environment has to constitute a State Environment Impact Assessment Authority (SEIAA) and a State Expert Appraisal Committee (SEAC). The SEAC being aware of local conditions, including terrrain, would be in a better position to assess the environment impact of proposed projects. While the Ministry of Environment has constituted the SEIAA and SEAC in several states, it has not done its statutory duty for the State of Goa. Instead the Ministry conducts the environment clearance proceedings for projects in Goa in Delhi, bypassing all local authorities including the State Government. No inspection of the site is conducted. This has led to the usual corruption. Applicants will show below how the Expert Appraisal Committee (EAC) of the Ministry of Environment & Forests was willfully manipulated in the matter of grant of environment clearance to the Respondent's project.

38. At its first meeting held on 26th June 2008, the EAC at first rejected environment clearance on the grounds that it did not have specific information on nine issues relating to the project and indicated that until these concerns are addressed the proposal was not recommended. These issues on which no information was provided were the following:

(i) Submit a certificate confirming that the area does not fall within the CRZ and does not attract CRZ provisions. River Zuari is 0.8 Km from the project site.

(ii) Club with 65 guest rooms does not appear justified, it is incompatible with the residential complex. Submit a copy of land use certificate permitting such commercial activity.

(iii) Submit a copy of the contour plan of the site and the surrounding area indicating slopes, drainage pattern and outfall.

(iv) Quantify the sources of water (municipal/ground water/tanker). Obtain permission from CGWA for drawing ground water. Tanker is not an acceptable source during the operational phase in terms of dependability and quality.

(v) 6 m. wide road for the residential complexes is very narrow. The minimum width of the right of way should not be less than 9 m.

(vi) The proposal indicates the construction of a "rainy" well. No details are given to establish its capacity with respect to ground water table and soil characteristics.

(vii) Parking seems to be inadequate. Make provision for 1 ECS for 2 BR and 2 ECS for 3 BR. Add 10% for visitors. Separate parking proposals should be made for club house.

(viii) Submit details of use of eco-friendly building materials and fly ash.

(ix) Storm water drainage and outfall is not investigated. Drawing shows the outlet draining into others' property.

39. At its second meeting held on 23rd October 2008, these questions were conveniently replaced by easier, more innocuous queries. These were as follows:

(i) The project may fall under CRZ. Submit NOC/ recommendation from Goa Coastal Zone Management Authority.

(ii) Submit revised details of the changes in the project (3 BR & 1 BR are replaced by 2 BR apartments).

(iii) Fresh water should not be used for flushing of toilets. Use treated waste water and submit revised water balance chart.

(iv) The fresh water withdrawal from ground water and supply by PWD should be limited to 314 KLD.

(v) The dead end of the roads should have proper round-about /cul-de-sac.

(vi) The runoff should be calculated on the peak hourly rainfall basis and storage should be worked out on peak daily rainfall basis.

(vii) Permeability of soil (lateritic clay) should be considered in the design of rainwater harvesting structures.

40. At its third meeting held on 23 December 2008, the EAC minutes now claimed the project had "clarified" the questions raised and recommended environment clearance. The information earlier sought regarding contour plan of the site indicating slopes was conveniently altogether bypassed. The EAC thus casually preempted itself from asking any further questions as to whether the project was affected by its location on a hill slope or whether forest was involved. At no stage of the entire proceedings did the EAC even know that the slopes were thickly forested as this fact too was not placed before it by the Resp.No.1. Copy of the environment clearance dated 2.9.2009 and extracts of the relevant portions of the minutes of the EAC meetings are at ***Annexure 18 colly***.

41. Neither the EAC nor the Ministry of Environment can grant approvals for projects on steep slopes and without ascertaining whether there is a forest on the plot. The Ministry in the year 2000 set up a "Committee on Identifying Parameters for Designating Ecologically Sensitive Areas in India". Two of the 12 criteria laid down by the Committee for declaring an area as ecologically sensitive were "steep slopes" and "not so steep slopes". In such areas, the Committee recommended no environment clearance be granted. The Ministry accepted the

recommendations of the Committee (the Director of the petitioner No.1 was a member of the Committee) and thereafter circulated these to persons desirous of seeking environment clearance. Relevant extracts of the Report of the Committee and further correspondence of the Ministry in this context is at ***Annexure 19 colly***.

42. In light of the above it is obvious that the EC was granted without application of mind and / or without having the proper facts placed before the EAC or the Environment Ministry. On these grounds the decision making that resulted in the EC is bad and the EC is therefore liable to be quashed and set aside. The EAC would obviously have taken a different view if it had been informed that the plot was not only affected by steep slopes but that these slopes were also thickly forested. This information was not placed before it willfully or otherwise.

43. Since the Ministry has not set up the State Environment Impact Assessment Authority (SEIAA) and State Expert Appraisal Committee (SEAC) for Goa State as is statutorily required under the 2006 EIA notification, the central EAC will continue to make blunders in the issue of these clearances as no local persons or public hearings are involved. This Hon'ble Court may issue necessary directions to the Ministry to set up the SEIAA and SEAC for Goa within time-frame as this is a statutory requirement and once local persons are on the SEIAA, such egregious blunders would at least be minimised. The delay in constituting these bodies is unacceptable as the EIA notification was issued way back in September 2006!

44. The manipulation of the queries allegedly put by the EAC to the project proponent indicates that this expert body and its member secretary are part of the problem of corruption in the grant of environment clearances. That the EC regime reeks with corruption is clear to even the highest authorities in the land. Addressing the Conference of Environment Ministers in August

i) MPDA and Panchayat of Chicalim granted provisional NOC for subdivision into 4 plots on 23.1.2007 and 30.1.2007 respectively and for plot No.5 subsequently.

ii) MPDA and Panchayat of Chicalim granted final NOC for the subdivision into 4 plots on 9.2.2007 and 12.3.2007 respectively.

iii) MPDA granted development permission under section 44 of the TCP Act on 25.9.2007 for 4 plots. (***Annexure 22***)

iv) Panchayat of Chicalim issued 4 construction licenses for 4 plots on 3.10.2007. (***Annexure 23***)

48. On 15.10.2007, Anand Builders (Resp.No.2) a sole proprietory firm represented by its sole proprietor Anand Bose, purchased for Rs.7.7 crores the property of 1,02,775 sq mts for which Anand Bose was holding POA from Vithal and Indira Naik (Resp.No.3).

49. On 26.11.2007, Anand Builders (Resp.No.2) sold 77,294 sq.mts of the plot to Saravati Builders (Resp.1) for Rs.29 crores.

Second set of development/construction permissions

50. On 22.8.2008, the Resp.No.1 made an application for amalgamation of the already subdivided plots (now reduced to only 77,294 sq.mts). On the same day, it filed an application for fresh sub-division of the newly amalgamated plot into five new plots with wholly different dimensions. The new sub-division was immediately granted "provisional" NOC by the MPDA on the same day (22.8.2008) and by the Panchayat a week later, on 30.8.2008.

51. On 1.9.2008, the Resp.No.1 applied to the Panchayat for final NOC for sub-division of the five plots and also submitted "revised" drawings to the Panchayat on the same day (1.9.2008)

for construction licences for new plots 1-4 and for the separate plot called "amenities," under Sec.44 of the Town and Country Planning Act, 1974. These were forwarded to the MPDA by the Panchayat on 15.9.2008.

52. The MPDA discussed the proposal at its 62nd meeting held on 20.11.2008. The minutes record as under:

> "The Deputy Speaker inquired why the file of M/s Saraswati Builders has not been included. The Chairperson said that it was a mega project having over 500 flats and hence it would be advisable to see how the necessary infrastructure for such projects would be provided by the builders and as such suggested that she would like to have a site inspection of the proposed colony and only after discussing with the officials, the file will be placed before the Authority for decision. Hence it was decided to defer the matter for site inspection by the Chairperson."

53. *This decision was not conveyed to the Resp.No.1*. Three months later, on 13.1.09, the Resp. No.1 filed a statutory appeal before the Town and Country Planning Board. The Board met on 11.2.2009 to dispose of the appeal. However, as the member-secretary of the MPDA, reporting ill health, was unable to attend the meeting, the matter was adjourned to be taken up in the ensuing meeting of the Board which eventually took place instead on 17.7.2009. Copy of the letter of Member Secretary of the Board and of the minutes of the Board (which show the Board querying the MPDA about the deemed approval when it itself enabled deemed approval) are at ***Annexure 24***. The conduct of both these bodies needs to be probed.

54. On 24.4.2009, Resp.No.1 wrote to the Panchayat, claiming deemed approvals for its plans on the grounds that the Town and Country Board had not heard and disposed of its appeal in three months. Similar letter was sent by the Resp.No.1 to MPDA on

1.5.2009, claiming deemed approval of its project from 20.4.2009.

55. On 27.5.2009, Resp.No.1 wrote to the Panchayat demanding construction licences for Sy.No.43/1-A. On 18.6.2009, the Panchayat responded, informing the Resp.No.1 that the Panchayat had deferred its decision for legal opinion and report from the BDO. It also informed the party that the issue would be placed before the Gram Sabha in view of Gram Sabha resolution opposing multistorey, hi-rise buildings.

56. However, reversing its stand on placing the matter before the Gram Sabha, the Panchayat decided instead to grant construction licenses on 17.7.2009. The Panchayat also issued NOC for final subdivision. However, there are two different NOCs for subdivision issued on different dates, signed by the same Panchayat functionary. Under RTI applications filed with two different authorities, petitioner No.2 was issued copy of "final" NOC from the Village Panchayat dated 10.9.2009 and almost identical "final" NOC issued by the same panchayat dated 21.9.2009, both of which have been issued referring to the same Panchayat resolution dated 9.7.2009. Copies of the two NOCs for final subdivision are at ***Annexure 25***. Only one NOC would be valid. In fact, the NOC dated 21.9.2009 is actually issued by the Panchayat *after* the construction licenses are issued on 17.7.2009.

57. Applicants submit that the provisional and final orders for subdivision show total non-application of mind as it is not possible for a subdivision of 92,000 sq. mts earlier "finally" approved by both the MPDA and the Panchayat, presumably after mandatory inspection of physical sub-division on the ground, and now reduced to 77,300 sq. mts., to be amalgamated and replotted into five new plots with wholly different dimensions. Further, subdivision of the plot into sub-plots is physically impossible at site due to the presence of dense forest

and steep slopes. The fact that "provisional" NOC was issued by the MPDA on the same day of receiving the application (22.8.2008) and final NOC issued by the Panchayat on the basis of deemed approval from MPDA speaks volumes for whether there was in fact any physical verification of the subdivision which is mandatory by law. No final order of subdivision can be issued without physical verification on the ground of plot demarcation, internal and public roads, gutters, culverts, pipelines, electricity poles, transformers, etc., shown on the approved plans as well as access to open spaces and other amenities in conformity with the requirement of Town and Country Planning regulations. None of these amenities were visible at the site when applicants visited it on 1.12.2009, and except for the area that had been deforested, the plot was still in original condition. For these reasons, the NOC/s issued by the Panchayat for final subdivision are liable to be quashed and set aside.

58. Panchayat issued so-called "revised" construction licences dated 17.7.2009 for five plots (residential buildings on four plots and a fifth plot for amenities), based on deemed approval from MPDA u/s 44 of the Town & Country Planning Act, deemed approval from the Town & Country Planning Board u/s 45 of the same Act and based on the legal opinion of an advocate, all of which is faithfully recorded in the body of the text of the construction licenses issued to the Resp.No.1 and annexed to this application as ***Annexure 26 colly***. Applicants crave leave to rely upon the approved and deemed approved subdivision and construction plans, if and when required in these proceedings.

59. Applicants are assailing both the first and second set of "deemed approvals" and construction licenses on the following grounds among others:

    a) Deeming permission cannot apply in those cases where development is strictly prohibited, as has been explained by

the applicants above. If no development permission can be granted, no deeming permission is available as well.

b) The actions of omission of both the MPDA and the Town and Country Planning Board are *mala fide* actions. Both these are statutory bodies and both must have credible reasons why they did not take decisions within the stipulated period of time and allowed the Resp.No.1 to claim "deemed approvals". After a request under the RTI was filed, MPDA admitted it had no information available regarding whether Resp.No.1 had paid the development charges for its "deemed" approvals.

c) This Hon'ble High Court ought to appreciate the extent of the mockery to which the planning process has been reduced in the case of persons who can influence the statutory authorities. First, as stated earlier, the developer is exempt from paying conversion charges amounting to Rs.25 lakh. Then it claims a development permission without payment of development charges. All permissions are procured under "deeming" provisions with the statutory authorities happily cooperating. Ordinary citizens, in contrast, have to run from pillar to post for nothing less than a period of two years if they wish to construct even a simple hut.

d) A deeming provision cannot apply if the applicant has been duly informed with proper reason of an adjournment in consideration of the appeal. The appeal was under active consideration.

e) It is unprecedented that Panchayat construction licenses are issued resting on the opinion of an advocate and that the Panchayat does not make a decision independently on its own which it is required to do under the law. Application of

someone else's mind cannot be substituted for the application of mind of the statutory body itself.

f) These construction licenses are also illegal as they could not have been granted considering the orders of this Hon'ble Court annexed to this petition and existing laws, rules and regulations. They were issued without application of mind. For these and other reasons set out above, the construction licenses are liable to be quashed and set aside.

G) **Hill-cutting permit by Chief Town Planner**

60. Subsequently, by his order dated 2.9.2009, the Chief Town Planner has compounded the assault on the natural environment by issuing permission for cutting of the entire hill for development purposes in violation of the existing guidelines on development of slopes. Copy of the guidelines is at ***Annexure 27***. Applicants have been given copies of documents relating to the permission for hill cutting. It emerges from the documents that the permission has been issued on the basis of incorrect contour plan *submitted by the Respondent No.1* and not by actual measurement of the slope with benchmark. Copy of the impugned permission dated 2.9.2009 is at ***Annexure 28***.

61. This permission is highly irregular, as the area had already been identified as a no-development zone in the draft Regional Plan that had already been notified. For these reasons, the order of the Chief Town Planner has to be quashed and set aside. This Hon'ble Court ought to order its own investigation to establish how such a permission was issued without physical measurement of the slope by town planning. After applicants protested, the Chief Town Planner has ordered a halt to any further digging or excavation on the plot till a survey initiated by the Department is available. Order dated 10.12.2009 setting up the survey committee is at ***Annexure 29***. The survey was commenced by the designated surveyors on 10th December

2009. However it was obvious to them that physical survey of the plot would be difficult because of the presence of thick forest at the site. Slope analysis at one end of the plot which could be accessed with difficulty indicated a slope of 34%.On the second day (14th December), the designated person from the Town Planning did not show up at the site and there is no survey report pursuant to the Chief Town Planner's order.

62. The final ground raised by applicants against the project of the Resp.Nos.1 and 2 is based on the conflict between the ODP of the MPDA (Resp.No.5) and the development plan which the Village Panchayat is duty bound to prepare under the provisions of the 73rd Constitution Amendment read with the Town and Country Planning Act, 1974. As a result of the single new proposed development of the Resp.No.1 alone, some 3,000 additional persons would be added to the village whose population is a mere 12,000, an artificial increase of 25%, without corresponding increase in infrastructure facilities already sorely lacking in the village. Such an artificial increase (compounded by destruction of hill slopes and natural forest cover) with attendant problems of lack of infrastructure, sewage, garbage, withdrawal of ground water would dramatically diminish the quality of life available at present to the villagers and thereby affect their right to life. For these reasons, the Gram Sabha has already passed resolutions opposing approvals to hi-rise and multistoreyed building projects within the village.

63. Applicants state that the notified draft Regional Plan 2021 is based on recognition of the need to protect the natural environment and ecosystems of Goa. The Government has provided all villages in Goa with the right to prepare the development plans for their environs. The village of Chicalim cannot be deprived of this right granted to other villages.

64. The Respondent No.5, in fact, has never kept the interest of the village in mind in its planning exercises and has constantly

allowed itself to be exploited by vested interests particularly large building developers in the preparation of its ODP. For this reason these plans have never been in the best interest of the village or its people and their future. All forested areas are still shown in the ODP as "nature reserves" or as "parks". No power, however, can deprive the village of its rights to conduct its own planning under the 73rd Constitution Amendment Act and the Goa Panchayat Act of 1994.

65. The village panchayat has addressed several letters to the Town and Country Planning Department in which it has clearly set out the confusion created by having two planning bodies preparing the development plan of the village. Despite promises, no clarification has been provided either by the Chief Minister or by the competent authorities. Copy of the panchayat letters in this connection are at ***Annexure 30 colly***. The process is continuing. Applicants are entitled to relief on these grounds as well. Applicants need the intervention and assistance of this Hon'ble Court on this issue as the government is continuing to inflict two planning processes on citizens when only one can be permitted under law.

66. On the above grounds, among others, petitioners are entitled to an ad-interim injunction restraining the Respondents No.1 and 2 from proceeding with any further work on the impugned property (Survey No.43/1 and 43/1-A) in Dabolim Village, Chicalim Village Panchayat. As stated earlier, at the moment, a "sample" building is being erected after the destruction of trees on the topmost side of the plot. Picture of the building under construction is at ***Annexure 4 colly***. As stated earlier, both the Town Planning and Forest authorities have already orally informed the persons at the site that no further felling of trees or excavation / cutting of hill is being permitted till further orders.

67. Petitioners are also aware that recently the Resp.No.1 has sought for revised environment clearance as it has decided to raise the

number of flats from 580 to 700. The Ministry of Environment (Resp No. 9) granted environment clearance to the project by its order dated 11th January 2010. Annexed hereto as ***Annexure 31*** is a copy of the environment clearance.

68. Subsequently, by its letter dated 15th April 2010, the Ministry of Environment and Forests issued a letter to M/s. Saravati Builders and Construction Pvt Ltd directing the Company not to proceed for construction of its project on Sy No 43/1 as the environment clearance dated 11.1.2010 had been held in abeyance. The Ministry informed the Company that it had decided to re-examine the project as the issues raised by the applicants in Writ Petition 13/2010 "are important and required detailed re-examination." The Ministry in its order listed the following three issues for re-consideration:

a) Whether the entire project area is a private forest land.

b) Whether the cutting of hill slopes on such a gradient more than 25% is not permissible as per Town and Country Planning rules.

c) Whether for the implementation of the projects requires cutting of large no. of trees on a steeply sloping terrain is ecologically sensitive area as per the Committee on identifying parameters for designing ecological sensitive in India.

Copy of the letter dated 15th April 2010 is annexed hereto as ***Annexure 32***. Pursuant to production of this order in this Hon'ble Court, this Court was pleased to pass its order dated 27.4.2010.

69. The project proposal was thereafter placed before the Expert Appraisal Committee (EAC) which conducted its first hearing on 21-23rd July 2010. Petitioner and Respondent No.1 were both given a brief opportunity to present their submissions at this

meeting. Applicants' written submissions dated 23.7.2010 – which included a report of the vegetation found on Sy No 43/1 by a professional botanist – are annexed hereto as ***Annexure 33 colly***.

70. The EAC decided that in order to reconsider the project it required the following information:

    a) Details of trees cut down with their permissions certifying that no other trees will be cut and a certificate from the DFO that the area is not declared as forest under the Forest Conservation Act.

    b) A copy of the contour map super imposing the layout plan of the site with clear spot levels authenticated by the local Town Planning Department.

    Copy of the minutes of the EAC meeting dated 21-23 July 2010 is annexed hereto as ***Annexure 34***.

71. The petitioner downloaded the minutes of the meeting from the Ministry's website and on 13.8.2010 requested the CTP to allow it to remain present with its own qualified surveyor when the authentification of the spot levels by Town Planning takes place. Copy of the letter dated 13.8.2010 is at ***Annexure 35.*** Petitioner also sent an email to the Ministry asking it to send it copy of any documents submitted by the Resp.No.1. By a second letter dated 18.8.2010, petitioner asked the CTP whether any such contour plans with clear spot levels had been authenticated by him as per the EAC's recommendation.

72. By his letter dated 19.8.2010, the CTP was kind enough to inform the applicants that his department had not received any contour map with spot levels for authentication from the Respondent No.1 till date. Copy of the letter is at ***Annexure 36***.

73. By its email dated 19.8.2010, the applicants informed the EAC that none of the instructions for either survey of forest or degree of slope had been followed and that the applicants would attend the meeting once both reports were produced. Copy of the email dated 19.8.2010 is at ***Annexure 37.***

74. By its letter dated 27.8.2010, annexed hereto as ***Annexure 38***, the Ministry communicated to the Chief Town Planner the requirement of the EAC as regards 8D (ii) above i.e., spot levels to be authenticated on layout plan of the site. It also sent to the CTP for his perusal, verification and authentication, a copy of the layout plans submitted by the Resp No 1 to the Ministry. The CTP was asked "to examine the same at site", and send his comments to the Ministry within 2 weeks.

75. It appears however that some communication was addressed by the CTP to the Ministry on 9.9.2010. The information provided in the communication appears to have been rejected by the Ministry on the grounds that the CTP had been requested "to examine the site and confirm the slopes and permissibility of construction" whereas the CTP had sent the MoEF "attested copies of the original plans." Copy of the letter dated 27.9.2010 is at ***Annexure 39.***

76. On 8.10.2010 the Ministry once again requested the CTP, Goa to examine and verify at site and confirm the slope and permissibility of construction. The Chief Town Planner, however, refused to carry out this exercise and instead appears to have replied that the plan had been approved only after due diligence and in accordance with guidelines and procedures used for all such cases in Goa.

77. Thus it is clear that no site visit as directed by the EAC was carried out by the CTP for reasons best known to him. He simply refused the EAC's written requests.

78. At its meeting held on 9th / 10th November 2010 the EAC had not received proper responses to the queries that it had sought in the minutes dated 21-23rd July 2010. It then recommended to the Ministry that action on this matter should be taken only after a decision of the Hon'ble High Court. Copy of the minutes is at ***Annexure 40.***

79. The Ministry has since filed its affidavit dated 24th January 2011 informing the Hon'ble High Court that the recommendation of the EAC has been accepted by the Ministry and it is stated that the Ministry will decide on revocation of the abeyance order after decision of the Hon'ble High Court in the matter of the writ petition. Presently therefore the environment clearance is in abeyance as no decision has been taken by the Ministry on all the three important issues raised in the application which the Ministry had earlier unequivocally stated required detailed examination.

GROUNDS:

80. Applicant is therefore approaching this Hon'ble Tribunal on the following grounds:

a) Large areas of forest remain unidentified in the State of Goa despite a period of 10 years from the date of passing of the original order in *Godavarman*. The exercise of identification needs to be completed at the earliest.

b) Neither of the Committees has identified degraded forest areas in the State in its true sense.

c) Applicants have had to move the Hon'ble High Court time and again to save areas, obviously forest, and even admitted to be so by forest officials but which are not finding a place in either the Sawant or Karapurkar Committee reports.

d) The State Government is allowing development of forest lands on the grounds that they have not been identified as forest by the Sawant and Karapukar Committees even though both these Committees have stated and made it amply clear that their work of identification of private forests was incomplete.

e) The order of the Supreme Court dated 12-12-1996 remains unimplemented in the Sate of Goa as large portion of private forest area is still excluded from recognition owing to incompleteness of the two committees' report.

f) The Forest Department should be disallowed from granting permissions for clear felling trees in plots that attract the FCA, unless permission to divert the land has first been obtained from the MoEF;

g) The Forest Conservation Act is violated every time development is permitted on lands deemed as forest by the forest officials but approved for development by other govt. officials.

h) People have a right to know which of their properties are designated as forest so that they are not inadvertently in contempt of the Supreme Court.

LIMITATION:

81. The present Application is a writ petition transferred to the NGT by the Bombay High Court vide order dated 17.10.2013. Issue of limitation therefore does not arise.

INTERIM RELIEFS:

82. Pending hearing and final disposal of this application, the applicant requests for the following interim reliefs:

a) for an order restraining the Respondent Nos. 1 & 2 from proceeding with any development on the impugned survey No.43/1-A and No.43/1 (except mundcarial settlement) and to maintain *status quo*.

b) for an order restraining the Respondent Nos. 12 to 47 from proceeding with any development on the plots purchased by them from the Resp No 2 on Sy No 43/1 and to maintain *status quo*.

c) for an order restraining the Respondent Nos. 4, 6, 7 and 10 from granting any permissions for development / construction or felling of trees or hillcutting to Resp Nos 12 to 47 on the said plots.

d) for an order directing stay of the operation of any permissions that may have been granted by Resp. Nos. 4, 6, 7 and 10 for development / construction or felling of trees or hill cutting to Resp Nos. 12-47 on the said plots

e) for an order directing the Forest Department or any Expert Committee to visit the plot and submit a report directly to this Hon'ble Court in sealed cover on th : extent of forest on the impugned survey nos 43/1-A and 43/1;

f) for an order staying the operation of the Outline Development Plan in so far as this deals with the use of land falling within the jurisdiction of Chicalim Panchayat.

PRAYERS:

83. In view of the above facts and circumstances it is most respectfully prayed that this Hon'ble Tribunal may be pleased to grant the following reliefs:

a) For an order quashing and setting aside all the various approvals, permissions and sanctions including deemed approvals granted by the authorities for the project of Resp No.1 on Survey No.43/1-A and for any development on Survey No.43/1 (excluding mundcarial settlement) of Resp.No.2 and Resp. Nos 12 to 47.

b) For an order directing the Forest Department to restore the forest cover on Sy.Nos.43/1-A at the cost of Resp.No.1 and on Sy No 43/1 at the cost of Resp No. 2.

c) For an order quashing the Government orders dated 20.2.2006 and 7.3.2007 issued under the Land Revenue Code, 1968.

d) For an order quashing and setting aside the ODP of the Mormugao Planning and Development Authority (Resp.No.6) in respect of Chicalim village.

e) For an order directing the Ministry of Environment and Forests (Resp.No.9) to set up State Environment Impact Assessment Authority (SEIAA) and a State Expert Appraisal Committee (SEAC) for the State of Goa.

f) For costs of this application;

g) For any other reliefs this Hon'ble Court may be pleased to grant.

2nd December 2013

Advocate for Applicant

BEFORE THE NATIONAL GREEN TRIBUNAL

AT PUNE

APPLICATION NO.26 (THC)/2013

IN THE MATTER OF:

THE GOA FOUNDATION — APPLICANT

VERSUS

STATE OF GOA & ORS. — RESPONDENTS

AFFIDAVIT

I, Dr Claude Alvares, Secretary, petitioner abovenamed, aged about 65 years, do hereby solemnly affirm and declare as under:

1. That I am the Applicant No.1 in the abovementioned Application.

2. That I am fully conversant with the facts of the case as derived from the records available with me and hence competent to swear this affidavit.

3. That I have read over the contents of the accompanying Application and same is true and correct and is drafted on my instruction.

DEPONENT

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VERIFICATION:-

Verified on this the _____ day of _____ 2013 that the contents of paras 1-6, 7(part), 8-19, 22, 28-35, 37-40, 41 (part), 46-56, 58, 60, 66 (part), 67-79 of the accompanying application are in the nature of facts which are true to my own knowledge and belief and the contents of paras 7 (part), 20, 21, 23-27, 36, 41 (part), 42-45, 57, 59, 61-65, 66 (part), .80-83 are my submissions, made on legal advice which I believe to be true and correct. No part of it is false and nothing material has been concealed therefrom.

DEPONENT

BEFORE THE NATIONAL GREEN TRIBUNAL

AT PUNE

(Under Section 18 read with Section 14 and 15 of the National Green Tribunal Act 2010)

APPLICATION NO.26 (THC)/2013

IN THE MATTER OF:

The Goa Foundation & Anr. ...APPLICANTS

VERSUS

M/s Saravati Builders and Construction Pvt Ltd. & ors

...RESPONDENTS

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ANNEXURE 2

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 257 OF 2001
WITH
WRIT PETITION NO. 294 OF 2001

1. People's Movement for Civic Action with its office at E-74, Campal, Panjim, Goa.

2. Indian Heritage Society through Percival Noronha, with address at H. No.E-426, Fontainhas, Panjim, Goa.

3. Nirmal Vishwa, with registered office at Sarjyotishi, Khadpabandh, Ponda, Goa.

4. The Goa Foundation, being a Registered Society, having its office at Rm.7, Above Mapusa Clinic, Mapusa 403 507 Goa.

... Petitioners

versus

1. North Goa Planning and Development Authority through its Member-Secretary, Mala, Panaji, Goa.

2. State of Goa through its Chief Secretary, Secretariat, Panaji, Goa.

3. The Goa Town and Country Board through its Member-Secretary, Town and Country Planning Department, Old Goa Medical College Complex, Panjim, Goa.

4. The Conservation Committee
through its Member-Secretary,
c/o Town and Country Planning
Department, Old Goa Medical
College Complex, Panaji, Goa.

5. Corporation of the City of Panaji,
through its Commissioner,
Panaji, Goa.

6. Bharat Shah,
residing at 5/C,
Swapnalok, L. Jagmohandas Marg,
Mumbai 400 006.

7. J. C. Teles, Teles House,
Luis de Menezes Road,
Panaji, Goa.

8. Jose Cristovam Pinto,
r/o Velho Building,
3rd Floor, Opp. Municipal Garden,
Panaji, Goa.

9. Eduardo Francisco Sertorio Coelho,
C/o Landscape Developers,
Sea View, Campal, Goa.

10. Shri Suresh Priolkar
House No.120/C9,
Boca de Vaca,
Panaji-Goa. ... Respondents

Mrs. Norma Alvares, Advocate for the Petitioners.

Mr. S. R. Rivonkar, Government Advocate for Respondent Nos.1 to 4.

Mr. S. D. Padiyar, Advocate for Respondent Nos.8 and 9.

Ms. Sudha Pai Kir, Advocate for Respondent No.10.

CORAM : A. P. DESHPANDE &
N. A. BRITTO, JJ.

DATE :13TH OCTOBER, 2008.

ORAL JUDGMENT(Per N. A. BRITTO, J.)

Heard Mrs. Norma Alvares, learned Counsel on behalf of the Petitioners.

2. The Petitioners in this petition filed in public interest, raised certain issues as regards zoning and constructions being allowed on hill slopes, being detrimental to planning and environment. The Development Regulations of the year 1989 had prohibited the construction on such hill slopes having gradient of more than 25% but such a restriction disappeared from the Planning Regulations of 2000. The Petitioners had challenged the grant of permissions to Respondent Nos.6, 7 and 8, but during the pendency of the petition an affidavit was filed stating that as far as Respondent Nos. 6 and 7 are concerned, a decision was taken by the Planning Board on 18-2-2003 that the land should be reverted to its original land use i.e. recreational conservation and as far as Respondent No.8 is concerned the height of the structure was restricted not to exceed 12 meters as per the Order of the Minister dated 18-2-2003, and the Petitioners, as stated by learned Counsel on behalf of the Petitioners, are, satisfied about the said decisions taken. Subsequently, the Government issued Circular dated 25-3-2005 by which the Development Authority(Development Plan Regulation 2000) were sought to be enforced in the respective planning areas which, inter alia, provided that no

development would be permitted in areas having gradient of 25% though the said Circular might not have legal sanctity. Nevertheless the fact remains that the Government did prohibit constructions on slopes having gradient of 25% and above. Thereafter the Government has published what is known as the Goa Land Development and Building Construction Regulations, 2008 and pursuant thereto, has published certain Draft Regulations which also provide that no construction would be permissible in areas having gradient of more than 25%, and which sufficiently address the concern of the Petitioners. As things stand today, the concerns of the Petitioners that no development ought to be permitted in such areas having a gradient of 25% have been sufficiently taken care of by the authorities, and, as such at present nothing survives in this petition and therefore the same is hereby dismissed as infructuous.

A. P. DESHPANDE, J.

N. A. BRITTO, J.

RD

RP says ND Slope
ODP cannot permit
devp. on
gradient that
it is S.
No Devp permission
can be given.

ANNEXURE 7

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 334 OF 2006

GOA FOUNDATION THROUGH ITS SECRETARY DR. CLAUDE ALVARES, MAPUSA GOA. ....Petitioner

Versus

STATE OF GOA THROUGH ITS CHIEF SECRETARY AND 6 ORS., ...Respondents

Ms. Norma Alvares, Advocate for the Petitioner.
Mr. S. S. Kantak, AG with Ms. R. Chodankar, AGA for Respondent nos. 1, 2, 4, 5, 6 and 7.
Mr. E.P.Badri Narayanan, Central Government Counsel for Respondent no.3.

Coram:- J. N. PATEL &
N. A. BRITTO, JJ.

Date:- 21st November, 2006

P.C.

Heard.

Rule. There will be interim Order in terms of prayer Clause (d). Learned AG waives service for respondent nos. 1, 2, 4, 5, 6 and 7. Mr. Bhadri Narayan Central Government Counsel waives service for respondent no.3.

Parties are at liberty to move this Court as and when contingency arises so that appropriate orders/directions be issued. We expect the respondents to file their return on affidavit within a period of eight weeks so that the petition can be disposed of.

J. N. PATEL, J.

N. A. BRITTO, J.

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 334 OF 2006

GOA FOUNDATION THROUGH ITS SECRETARY DR. CLAUDE ALVARES, MAPUSA GOA. ....Petitioner

Versus

STATE OF GOA THROUGH ITS CHIEF SECRETARY AND 6 ORS., ...Respondents

Ms. Norma Alvares, Advocate for the Petitioner.
Mr. S. S. kantak, Advocate General with Ms. R. Chodankar, Additional Government Advocate for the Respondent Nos.1, 2, 4, 5, 6 and 7.
Mr. J. Vaz, Central Government Standing Counsel for the Respondent No.3.

The Collector (N) - R-6
The Coll (S) - R-7

Coram:- DR. S. RADHAKRISHNAN & N. A. BRITTO, JJ.

Date:- 17th October, 2006

P.C.:-

Heard the learned Counsel for the Petitioner and the learned Advocate General for the Respondent Nos.1, 2, 4, 5, 6 and 7. The learned Advocate General seeks a short adjournment to file an affidavit-in-reply. The matter is adjourned to 21st November, 2006. Pending further orders, there shall be an ad-interim relief in terms of prayer clause (d) which reads thus:

> "Pending final hearing of this petition for an order to Resp.Nos.6 and 7 not to issue Conversion Sanads for any private properties with tree cover without the approval of the Forest Department".

DR. S. RADHAKRISHNAN, J.

Annexure 8

No.16/11/90/RD
Government of Goa,
Revenue Department,
Secretariat, Porvorim-Goa.

Dated:- 20th February, 2006.

ORDER

In exercise of the powers under section 35 of Goa Land Revenue Code, 1968 the Government hereby exempts from the operation of provisions of sections 30, 32, 33 and 34 the following lands:-

All those lands (survey holdings) situated in the settlement zone as per Regional/Outline Development Plan and the survey records of such survey holdings i.e. survey plan (First Plan prepared under provisions of Land Revenue Code, 1968 sometime in between 1970 – 1972 or thereabout) show existence of a structure. This will not apply to those survey holdings which are not shown in Settlement Zone in the existing Regional/Outline Development Plan but has its classification changed into Settlement Zone from its earlier classification in the existing Regional/Outline Development Plan.

1970-72 plan were could they would be earlier?

There were 4 structures on this plot of 77,000 sq m

By order and in the name of the
Governor of Goa

(V.S.N. Gaunekar)
Under Secretary (Revenue)

Copy to :-

1) The Director (Printing & Stationary), Government Printing Press, Panaji, With a request to publish the same in the Official Gazette.

2) All Collectors/Deputy Collectors/Mamlatdars.
3) The Chief Town Planner, Town & Country Planning Department, Panaji.
4) The Director of Municipal Administration, Panaji.
5) The Director of Panchayats, Panaji.
6) The Corporation of the City of Panaji.
7) All Municipal Councils.
8) All Planning and Development Authorities.

Order challenged
- Violation of FCA
- no ceiling

This order superseded on 7/3/07 pg 171

Order challenged by class of land (para 2&3) dry crop / rice / garden or non-arable.

GOVERNMENT OF GOA

Department of Revenue

Circular

No. 16-11-90/RD(Part)

Whereas the Government vide Order No. 16/11/90/RD dated 20-2-2006 (hereinafter referred to as order) has exempted certain lands from operation of provisions of Sections 30, 32, 33 and 34 of Goa Land Revenue Code, 1968. Now with a view to determine as to which lands are exempted and to lay down a uniform procedure to process the cases covered under this order Government hereby issues following instructions.

1. Any Person desirous of availing benefit of the above order shall file an application with the concerned Deputy Collector and S.D.O., alongwith following documents seeking a certificate that the land is exempted from operation of provisions of Sections 30, 32, 33 and 34 of Goa Land Revenue Code, 1969.

(a) Survey plan copy in original issued by Directorate of Settlement and Land Records alongwith certificate that the said survey plan is first plan prepared under provisions of Land Revenue Code, 1968 sometime between 1970-1972 or thereabout.

(b) Letter/N.O.C., from Town & Country Planning Department indicating that the land applied for exemption falls within Settlement zone as per Regional/Outline Development Plan. ~ 1970-72 Shd not be changed to settlement in RP/ODP

2. Upon receipt of the application alongwith above documents the Deputy Collector after conducting any inquiry if necessary, being satisfied about its correctness should proceed to issue a certificate that the said land is exempted from provisions of Sections 30, 32, 33 and 34 as per the order dated 20-2-2006 of the Government or reject the application if it is not within the purview of the order.

3. The Deputy Collector and S.D.O., shall dispose off such an application within a maximum period of 15 days from the date of filing of application.

By order and in the name of the Governor of Goa.

V.S. N. Gaunekar, Under Secretary (Revenue).

Porvorim, 9th October, 2006.

Docs to give
(1) Sy Plan - Original by DSLR
(2) NOC from TP.
(3) Enquiry.

62

Annexure 9

From:
Shri Vithal J. Naik and Mrs. Indira V. Naik
P/A Holder Shri Anand Chandra Bose,
Heritage Building, 1st Floor,
Swatrantra Path, Vasco da Gama.

Date: 29.01.2007

22/12/2006 — Final sub-divn order separately mundcar and plot for correct applied area

To,

The Dy. Collector,
Mormugao Taluka,
Vasco-da-Gama, Goa.

Sub: Exemption from Operation of Provision of Section 32 of LRC 1968 with respect to the property bearing survey no. 43/1 of Village Dabolim

Sir,

With respect to the order no. 16/11/90/RD, Revenue Department Government of Goa, dated 20.02.2006, please find enclosed herewith:-

(1) A letter from Directorate of Settlement and Land Records (Record Section I), Government of Goa, dated 10.11.2006 stating that as per the original P.T. Sheet carried out between 25.05.1972 to 15.06.1972 and 26.05.1972 to 30.05.1972 there exists four structures in the property surveyed under survey no. 43/1 of Village Dabolim. — 22/12/2006 subdivn.

(2) A letter from Mormugao Planning and Development Authority dated 30.11.2006 stating that the property surveyed under survey no. 43/1 of Village Dabolim falls under Settlement Zone.

Considering the above facts, I wish to request you to kindly issue me a letter exempting the property bearing survey no. 43/1 of Village Dabolim from the Operation of Provision of Section 32 of LRC 1968.

Also, please find enclosed herewith Form I & XIV, Survey Plan and Power of Attorney.

Kindly do the needful and oblige.

Thanking you,

MR. ANAND CHANDRA BOSE
(P.O.A. for Owners)
Enclosed: As above

Appl is aptte HC Orde
(1) Does not inform that Sy No 43/1 has ~~been~~ final subdivision order issued on 22/12/2006 separating mundcar house by Dy Collector
(2) No original Plan from DSLR RP 2001 seal pg 67
(3) MPDA false statement Where is R? see GDP pg 49

Annexure

No. 14-4-2006-DSLR/135/110544
Government of Goa
Directorate of Settlement &
Land Records (Record Section I)
Panaji – Goa

Dated: 10th Nov. 2006

To,

Mr. Anand Chandra Bose,
Heritage, 1st Floor,
Swatrantra Path,
Vasco da Gama.

Sub: Information pertaining to original survey plan of Village Dabolim S.No. 43/1.

Sir,

With reference to your above mentioned subject, this is to bring to your kind notice that four structures are shown in survey no. 43/1 during the time of survey operation on original P.T. Sheet. The survey of above mentioned survey no. was carried out between 25-5-1972 to 15.6.1972 and 26.5.1972 to 30.5.1972. This is as per the original records available in this office.

This is for your kind information.

Yours faithfully,

(Sada B. Naik)
Inspector of Survey & Land Records
Panaji – Goa

Annexure

Ref: MPDA/2005/06-07/1573

MORMUGAO PLANNING AND
DEVELOPMENT AUTHORITY
Commerce Centre, IInd Floor,
Near Old Bus Stand,
Vasco-da-Gama, Goa.

Date: 30.11.06

To,
Mr. Santana Pereira,
C/o Anand Builders
Vasco

Sub: Zoning Remarks
Ref: Your application dt. 29.11.06

Sir,

With reference to the above cited subject, the property bearing Survey no. 43/1 of Dabolim village, falls under Settlement zone as per the ODP of Vasco da Gama Planning area 2011, and the plan duly marked with the zoning remarks is enclosed herewith for your reference.

What is the zone earlier?

Yours faithfully,

(R.K. Pandita)
MEMBER SECRETARY

Encl: a/a.

1) ~~Da~~ Info is incorrect

2) What was its status prior.

Annexure 10

Act of exemption is diversion

No.11/138/DYC/07/166
Office of the Dy. Collector/SDO
Mormugao, Vasco da Gama

Dated: 30th January, 2007

To,

Shri Vithal J. Naik and Mrs. Indira V. Naik
P/A Holder Shri Anand Chandra Bose,
Heritage Building, 1st Floor,
Swatrantra Path, Vasco da Gama.

Sir,

This has reference to your application dated 29.01.2007. As per the letter No. 14-4-2006-DSLR/135/110544 dated 10th November, 2006, received from Inspector of Survey & Land Records, Panaji-Goa, it is informed that the structure existing in survey No. 43/1 of village Dabolim Mormugao Taluka was surveyed in the year between 25.5.1972 to 15.6.1972. Whereas vide letter No. MPDA/2005/06-07/1573 dated 30.11.2006, the Member Secretary, Mormugao Planning and Development Authority, Vasco, has informed that as per ODP 2011 the property surveyed under No. 43/1 of Dabolim village Mormugao Taluka is falling under Settlement Zone.

Therefore in terms of the Government order No. 16/11/90/RD dated 20.2.2006 issued by Under Secretary (Revenue), Government of Goa, Secretariate, Porvorim, Goa, the above referred property i.e. Survey No. 43/1 of village Dabolim Mormugao Taluka is exempted from the operation of provision of Section 32 of LRC, 1968.

Yours faithfully,

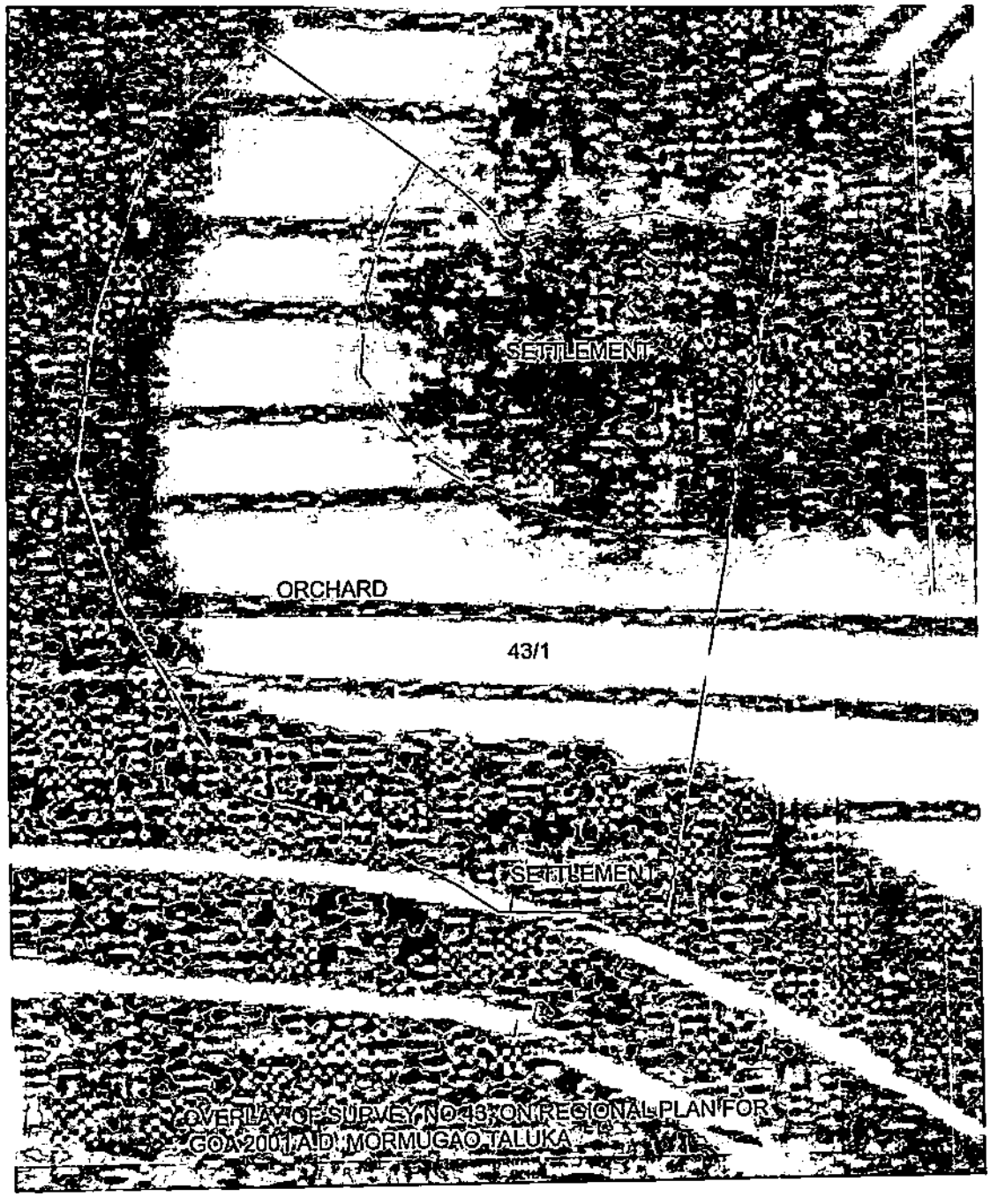
(Levinson J. Martins)
Dy. Collector/SDO
Mormugao, Vasco da Gama

Copy to : The Collector (South) Margao – Goa .... For information

Exemption Order permits conversion to non-forest use

In contravention of Order in WP 334/06

ANNEXURE 11



Regional Plan 2001 Survey No. 43/1

Assurance Scheme (EAS) by the Village Panchayat Salem. funds for the said project was made 21/6 available by this Agency.

2. As per the records for construction of the road & culvert the total amount spent & paid was Rs 3,80,491/- (Copy of the estimate & details of the payment are enclosed).

3. The office has received complaint from Shri Godfrey Lawrence of Betim, Bardez-Goa that the road has been damaged (Copy of the complaint enclosed)

4. The matter was investigated & reports of various authorities who are involved in the construction of the road & culvert are obtained.

After investigation by the Vigilance Deptt. it has been concluded that the road has been damaged.

I am lodging a complaint with a request to take the appropriate action against the accused who has damaged the said road.

Copy Submitted to the

1] J.M.F.C Bicholim
2] D.G.P. Panaji
3] D.I.G.P. Panaji
4] S.P.(N) Porvorim
5] S.D.P.O Bicholim
6] P.I. R.U Panaji
7] Copy to Complainant Through P.I. Bicholim

Yours faithfully
Sd/-
(N.D. Agrawal)
Project Director Ex-officio
Jt. Secretary (R.D.)

Submitted
Sd/-
P.I. Bicholim

N.C.R.B.
I. F. R.-I

10. Total value of property stolen .....

11. Inquest report/U. D. Case No., if any .....

12. First Information contents (Attach separate sheet, if required):

To,
The Police Inspector,
Bicholim Police Station,
Bicholim - Goa.

Sub :- Road & culvert at Palsacho Sarvo at V.P. Salem, Bicholim - Goa.

Sir, I, Shri N.D. Agrawal, Son of Shri V.D. Agrawal, Project Director, DRDA - North lodge my complaint as below :-

1. I Says that as per the records, the Road & culvert at Palsacho Sarvo at V.P. Salem, Bicholim was constructed under Employment

13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2. :

(1) Registered the case and took up the investigation or

(2) Directed (Name of I. O.) R.V. Kauthankar Rank Hc No. ..... to take up the Investigation or

(3) Refused investigation due to ..... or

(4) Transferred to P. S. ..... District ..... on point of jurisdiction.

R. I. R. read over to the complainant/informant, admitted to be correctly recorded and a copy given to the complainant/informant, free of cost.

Sd/-

R. O. A. C.

Sd

Signature of Officer in charge, Police Station

Name S.T. Chodankar

Rank P.I. No. Bicholim

14. Signature/Thumb impression of the complainant/informant.

Information under RTI
DRDA - North Goa.

15. Date and time of despatch to the court .....

2270

14/03/13

N.C.R.B.
I.I.F.-I

FIRST INFORMATION REPORT

(Under Section 154 Cr. P. C.)

1. District ...North..... P. S. Bicholim..... Year 2003... FIR No. 51/03 Date 11-3-05
2. (i) Act P.D.P.P. Act ..... Sections 3 of P.D.P.P. Act
   (ii) Act ..... Sections .....
   (iii) Act ..... Sections .....
   (iv) Other Acts & Sections .....
3. (a) Occurrence of offence: Day ..... Date from ..... Date to .....
   Time Period ...T.N.K..... Time from ..... Time to .....
   (b) Information received at P. S.: Date 11.3.03 Time ...11.10 hrs...
   (c) General Diary Reference: Entry No. ..... Time ...11.10 hrs.
4. Type of information: Written/Oral
5. Place of Occurrence: (a) Direction and distance form P. S. .....
   ..... Beat No. ..Dadambag.....
   (b) Address .....
   .....
   (c) In case, outside the limit of this Police Station, then
   Name of P. S. ..... District .....
6. Complainant/Informant:
   (a) Name .....N.D. Agrawal.....
   (b) Father's/Husband's Name .....V.D. Agrawal.....
   (c) Date/Year of Birth ..... (d) Nationality ...Indian.....
   (e) Passport No. ..... Date of issue ..... Place of issue .....
   (f) Occupation ..Service project Director Ex. officio.....
   (g) Address .Shanta Building 2 Nd floor S.T. Inez Panaji
7. Details of known/suspected/unknown accused with full particulars:
   (Attach separate sheet, if necessary)
   (1) .....
   (2) .....
   (3) .....
8. Reasons for delay in reporting by the complainant/informant
   Self Immediatly after receiving the matter enquired
   .....
9. Particulars of properties stolen (Attach separate sheet, if necessary)
   .....
   .....

Information under RTI
DRDA, North Goa

Public Information Officer
District Rural Development Agency

NO.PI/BICH/2289/2003,
Bicholim Police Station,
Dated:- 5 /03/2003.

DRDA-N. [illegible]
Entry No. 7740 (7710)
Dated... 12.3.03

To,
Shri N.D.Agrawal,
Project Director Ex-Officio
Jt.Secretary(RD)
District Rural Development Agency,
Norht Goa District,
Shant Building, 2nd floor,
St.Inez,Panaji-Goa

Sub:- Road and culvert at Palsacho Sarvo at V.P.Salem, Bicholim-Goa.
Ref:- NO.DRDA-N/4-179/02-03/6608, dt:- 10/03/2003

Sir,

With reference to the above subject, I have to submit that an offence vide Bicholim Police Station Cr.NO. 51/2003 U/s 3 of P.D.P.P. Act has been registered and investigation is in progress.

This is for favour of kind information.

Yours faithfully,

(S.T.Chodankar)
Police Inspector,
Bicholim Police Station.

Encl:- F.I.R. Copy.

Information under RTI
DRDA - North Goa

(4) I say that the matter was referred to the Director of Vigilance, Government of Goa, in relation to the construction of road and culvert at Palsacho Sarvo in Salem-Bicholim, for inquiry. The Deputy Director (Vigilance) vide letter dated 7.2.2003 has informed that the Government has considered the matter and decided that the road which has been blocked should be restored immediately, that the F.I.R. be filed with the Police for damage of Public property, and that the action against the Village Panchayat, Salem, should be taken for furnishing wrong information/proposal for grant of Government funds. Hereto annexed is the xerox copy of the letter dated 7.2.2003 issued by the Deputy Director (Vigilance) to the Respondent No. 2.

(5) I say that in view of the decision taken by the Government, nothing survives in the above-cited petition and the Petition is, therefore, liable to be dismissed.

I say that what has been stated hereinabove in this Affidavit is true to my own knowledge and belief.

Solemnly affirmed at Panaji
On this 10th day of March 2003.

Deponent

Information under RTI
DRDA - North Goa.

Public Information Officer
District Rural Development Agency
North Goa

Identified by me:

Advocate for the Respondents.

I hereby attest the signature/ ~~thumb~~ of the Executants namely Shri ~~/Smt~~ Shri. N.D. Agrawal, r/o Assagao, Bardez, Goa, who is personally known to me, reg. Stand. under No. 1014.

SWORN BEFORE ME

ASHOK S. MASHELKAR
NOTARY
PANAJI - GOA
INDIA

IN THE HIGH COURT OF BOMBAY AT PANAJI

Writ Petition No.432/2002

Shri Godfrey Lawrence
Proprietor of Goofy's Countryside Heritage,
Office, F-3, Green Valley,
Vollant, Betim, bardez Goa. Petitioner

V/s

State of Goa and others Respondents

AFFIDAVIT ON BEHALF OF THE RESPONDENTS NOS. 1 & 2.

I, N. D. Agrawal, son of late Shri V. D. Agrawal, aged 50 years, married, residing at Assagao, Bardez, Goa, do hereby solemnly affirm and state as under:

(1) I say that I have read a copy of the above cited petition and the annexure annexed thereto filed by the Petitioner and understood its contents.

(2) I say that I am conversant with the facts of this case and I am competent to file this Affidavit, as I am duly authorized. I am filing this Affidavit on behalf of the Respondents Nos. 1 and 2.

(3) I deny each and every averment made in the above cited petition singularly, which are contrary there to and inconsistent with the averments of these Respondents, unless admitted by me specifically.

Public Information Officer
District Rural Development Agency,
South Goa.

2081

15/2

16/2

No. DRDA-N/4-179/02-03/6608
District Rural Development Agency,
North Goa District,
Shalini Building, 2nd floor,
St. Inez, Panaji Goa

Dated: 10/3/2003

To

The Police Inspector,
Bicholim Police Station,
Bicholim-Goa.

Sub: Road and culvert at Palsacho Sarvo
at V. P. Salem, Bicholim-Goa

Sir,

I, Shri N. D. Agrawal, Son of Shri V. D. Agrawal, Project Director, DRDA-North lodge my complaint as below:-

1. I say that as per the records, the road and culvert at Palsacho Sarvo at V. P. Salem, Bicholim, was constructed under Employment Assurance Scheme (EAS) by the village Panchayat Salem. Funds for the said project was made available by this Agency.
2. As per the records for construction of the road & Culvert the total amount spent and paid was Rs. 3,80,491/- (copy of the estimate and details of the payment are enclosed).
3. The Office has received complaint from Shri Godfrey Lawrence of Betim, Bardez-Goa that the road has been damaged (Copy of the complaint enclosed).
4. The matter was investigated and reports of various authorities involved in the construction of the road & Culvert are obtained.

After investigation by the Vigilance Deptt., it has been concluded that the road has been damaged.

I am lodging a complaint with a request to take the appropriate action against the accused that has damaged the said road.

Received on
11/3/2003

Yours faithfully,

c/c

(N. D. Agrawal)
Project Director Ex-Officio
Jt. Secretary (R.D.)

Encls: As above

Public Information Officer
District Rural Development Agency
North Goa

ANNEXURE 12

No. 16/1/1/90/BD
Government of Goa,
Revenue Department,
Secretariat, Panaji – Goa.

Dated: 23rd June, 1997.

CIRCULAR

Procedure for issue of conversion Sanad under Land Revenue Code.

It has come to the notice of the Government that although a circular was issued vide No. 4/10/2/94-UDD dated 23.6.1994 with regard to the procedure to be followed in case of change of land use and grant of conversion under Land Revenue Code, there continues to be delay in finalizing such proposals. The delay is primarily caused since such cases are once again referred to Irrigation/Agriculture/Forest Department for clearance inspite of NOC from the Town and Country Planning Department, which acts as the nodal Department.

In order to streamline the procedure and avoid delays with regard to issue of NOC for development of land and issue of conversion sanad, it has been decided that once the TCP Board and the Government have approved the zoning of the land under reference as settlement/industrial/commercial, the question of obtaining further reports from Irrigation/Agriculture/Forest department does not arise. The TCP Board is in the apex planning body in the State and has to refer to the departments in question, before changing the zoning of any particular land. Hence, once the land use classification/zoning is changed and the land is classified accordingly, the question of referring the said proposal to Irrigation/Agriculture/Forest departments once again should not arise.

The following instructions are, therefore, issued and may be followed strictly while deciding cases of conversion under Land Revenue Code –

i) The Deputy Collection should forward the applications for change of land use or conversion under Land Revenue Code to the Town Planning Officers in charge of concerned Taluka.

ii) The Town Planning Department on the basis of the zoning plan/Regional Plan and ODP, as well as on the basis of changes in land use, if any, approved by the Town & Country Panning Board and the Government will give its report on whether the land is declared as settlement, industrial or commercial. The Deputy Collector will grant conversion sanad under Land Revenue Code on the basis of the report.

iii) The Town Planning Department maintains the latest command area development maps. Hence, once the Town and Country Planning

Department has indicated the land use applied for as settlement, industrial or commercial, the question of referring to CADA/Irrigation department once again will not arise.

iv) The practice of referring to the Agriculture Department with regard to lands recorded as paddy and measuring 10,000 sq. metres and above is discontinued henceforth.

v) The practice of consultation with Forest Department is not necessary in view of various Forest Acts and Regulations which are applicable and have to be complied with independently.

vi) Regarding tenancy, other related matters, Coastal Zone Regulations, etc. the Deputy Collectors should continue to obtain reports from concerned authorities as per existing practice.

This circular supersedes circular No. 4/10/2/94-UDD dated 23.6.1994.

(Smt. A. Menezes)
Under Secretary (Revenue)
to the Government of Goa

Copy to.-

1. All Collectors/Dy. Collectors/Mamlatdars.
2. The Chief Town Planner, Town & Country Planning Department, Panaji
3. The Chief Engineer (Irrigation), Irrigation Department, Junta House, Panaji.
4. The Director of Agriculture, Directorate of Agriculture, Panaji.
5. The Conservator of Forests, Panaji.

To,
The Deputy Collector & S.D.O., Panaji

ANNEXURE 13

IN THE HIGH COURT OF BOMBAY AT GOA

PANAJI – GOA

APPELLATE SIDE

WRIT PETITION NO. 344 OF 2002

Coram: F.I. REBELLO AND
P.V. HARDAS, JJ

Date : 17th June 2003.

P.C. :- Rule. Considering the permission to fell trees granted to respondent no. 6 by Permission dated 14th November 1996 where it was clearly set out that permission to cut trees was being granted with a condition that the land would not be diverted to Non-forestry purposes, the report of the Deputy Conservator of Forest that the land in question would come under Forest Conservation Act and further considering the guidelines dated 27th September 1991 issued by the Forest Department for application of the provisions of Forest (Conservation) Act and the Judgment of this Court in Shri Shivanand V. Salgaocar v. Tree Officer & Deputy Conservator of Forests and another, Writ Petition No. 162 of 1987, decided on 27th November 1990, this would be a prima facie case where the interim reliefs sought for should be granted.

It is no doubt pointed out that plots have been sold and some constructions have come up. However, considering the provisions of the Forest Prevention Act, this would be a fit case where this Court should grant the reliefs. There will be interim relief under Clause (f).

At the hearing of this petition it is pointed out that some purchasers have started construction on the property and all those purchasers are not before this Court. Respondent no. 5 is directed to issue stop order notice against all constructions until further directions from this Court. However, if any person has a licence and was constructing pursuant to such licence, liberty to the person to move this Court. That matter will be decided separately.

The learned Advocate General states that Clause 5, which is the subject matter of the dispute and is in issue, is being deleted and substituted. The statement made by the Advocate General is accepted and, consequently, at this juncture, no further order is required on the same. Considering the urgency in the matter and that a large number of persons are affected, hearing be expedited.

Annexure 14

Order

16/11/90-RD

In exercise of the powers under section 35 of Goa Land Revenue Code, 1968 the Government hereby exempts from the operation of provisions of sections 30, 32, 33 and 34 the following lands:---

All those lands (survey holdings) situated in the settlement zone as per Regional/Outline Development Plan and the survey records of such survey holdings i.e survey plan (First Plan prepared under provisions of Land Revenue Code, 1968 sometime in between 1970-1972 or thereabout) show existence of a structure. This will not apply to those survey holdings which are not shown in Settlement Zone in the existing Regional/Outline Development Plan but has its classification changed into Settlement Zone from its earlier classification in the existing Regional/Outline Development Plan.

could this word be earlier / previous

Provided that the total area of the survey holdings does not exceed 1000 square metres and that the existing structure as shown on survey Map covers at least 25% of the area of the plot.

This order shall come into force at once and is issued in supersession of earlier order No. 16/11/90-RD dated 20-2-2006 published in the Official Gazette, Series I No. 48 dated 2-3-2006.

By order and in the name of the Governor of Goa.

4000 sqm = 1 ha

V.S.N. Gaunekar, Under Secretary (Revenue – I).

Porvorim, 7th March, 2007.

ANNEXURE 15

The Goa Foundation

G-8, St Britto's Apartments
Feira Alta, Mapusa 403 507 Goa.
22.11.2007

To:
The Tree Officer &
Deputy Conservator of Forests,
Forest Department,
Margoa – Goa.

Sub: Permission granted by you to Alok Kumar to fell 16 trees on Survey No. 257/1 at Sancoale, Goa.

Dear Sir,

I only recently have been given a copy of the permission dated 17/7/2007 issued by you for felling of 16 trees (forestry species) on survey No. 257/1 at Sancoale village, Marmagoa Taluka, Goa.

The survey no. 257/1 is contiguous with adjacent survey nos. and forms part of an uninterrupted 4 km stretch of forest along steep slopes in Sancoale and Chicalim villages.

Survey no. 257/1 in our humble opinion meets the three criteria of private forest. The forest is also growing on steep slopes with gradiant above 15 %. Development permission cannot be granted for such steep slopes.

In our opinion, the entire 4 km stretch has to be identified as forest. I would suggest that your office commence this task on a war footing so that PDA does not grant further development permissions in the area.

The person interested in Sy.No.257/1 – to whom permission has been granted to fell 16 trees – has recently procured PDA permission for construction on the said plot. It is not known how the party will replant the trees in the said property – which is a condition on the tree felling licence issued by you – if construction is allowed on the plot. We are

therefore calling upon you to suspend the said license for felling of trees on the ground that the person concerned is already contemplating violating the condition of tree felling by seeking and procuring a development permission.

The government has already informed the High Court that no tree felling permission is being granted for felling of trees in areas identified as forest.

In the circumstances, may I suggest a common site inspection of the sy.No.257/1 and its immediate surroundings?

I await your response in this matter.

Yours sincerely,

(Dr Claude Alvares)
Director.

Annexure 16 colly

FORM (E)
(See Rule 6)
TREE OFFICER-CUM-DY. CONSERVATOR OF FORESTS
Government of Goa
FOREST DEPARTMENT

No : 3/3/373/2008-09/1173
Date : 12/09/2008

deponent.

Sub: Permission to fell trees

With reference to his / her application dated 25/06/2008 for grant of permission to fell trees to Shri/Smt. Ravi Rajan is hereby informed that he/she is granted permission to fell trees as per details, indicated below from the private property known as ___ under Sy. No. 43/1-A situated at Dabolim ,Mormugao Taluka subjected to the terms and conditions hereto specified.

DETAILS OF TREES

Sr. No.	Species of trees	No. of trees

No of Trees is bottom of next page

List of Species shown overleaf

To,
Shri / Smt. Ravi Rajan
A1. Prime Dona Co.op
Hsg. Society.Nr. N.I.O.
Circle, Dona Paula Goa.

(M.K.Bidi)
Tree Officer-cum Dy. Conservator of Forests
South Goa Division , Margoa Goa.

Terms and Conditions

1. The Range Forest Officer shall mark the trees before cutting.
2. Permission to fell trees is granted at his / her risk and without prejudice to claim/s of any other person/s who may be having right/s over the land of trees.
3. Felling of trees shall be completed within 45 days from the above mentioned date.
4. Materials produced from the felled trees shall not be removed or disposed without permission of the tree Officer.
5. He/She shall replant tree as per details given below during ensuing / planting season , i.e. commencing from June to 2008 August 2009 in the property from which the trees will be felled.

Sr. No.	Species	No. of trees
	Forestry Species , etc.	235

6. He/She shall deposit a sum of Rs. 9400/- (Rupees Nine thousand four hundred only. Vide TDR No. 872237 etc. 10/09/08 along with the Bond dt.8/9/08.) as Security Deposit in the Dy. Conservator of Forests, South Goa Division Margao – Goa, before starting the felling of the felling of the trees for ensuing the replanting of the trees (indicated at Sr. No. 5 above).

7. In the event of failure on the part of permit holder to replant the trees as indicated at Sr. No. 5 above , then the Trees Officer, shall himself undertake to replant the trees and recover the cost thereof from the permit holder by way of adjustment against the Security Deposit made by the permit holder or felling that by recovery as arrears of Land Revenue.

---

1. Copy to the Conservator of Forests.Panaji-Goa,for information.
Copy to : R.F.O.(M.S.) w..r to his report dtd. 13/8/08. He is directed to keep strict watch over the felling of 47 No. of trees and ensure that no illegal felling takes place.

DETAILS OF TREES

Sr. No.	Species of Trees	No. of Trees
1.	3rd Class Cashew (1-0.85mts ,7-1.20mts, 11A-1.10mts, 11B-0.80mts, 14A-0.80mts , 14B-0.75mts, 15A01.10mts, 15B-0.80mts, 31A-0.50mts, 31B-0.55mts, 32-1.10mts, 34A-0.70mts, 34B-0.60mts, 36.0.90mts, 42-0.60mts, 45-1.20mts, 47-0.70mts, 48A-0.60mts, 48B-0.60mts, 2-1.40mts, 35A-0.95mts, 35B-0.6mts, 8-1.10mts)	17
2.	3rd Class Moi (4-1.10mts, 6-1.15mts, 17-0390mts, 18-1.30mts, 22-1.05mts, 37-.090mts, 38-1.10mts, 41-0.75mts, 43-1.05mts)	9
3.	3rd Class Char (5A-.085mts, 5B-0.75mts,39-0.78mts)	2
4.	3rd Class Kundo (9-0.90mts, 13-1.10mts, 19-2.10mts, 26-1.00mts,33-0.90mts,24-1.80mts)	6
5.	3rd Class Hurso (10-1.10mts, 30-0.90mts, 44-1.00mts, 49-1.05mts)	4
6.	3rd Class Gel (16-1.10mts)	1
7.	3rd Class Kumbio (21-1.10mts, 27-1.20mts, 46-0.90mts)	3
8.	3rd Class Junglee (25-1.00mts, 29-1.10mts, 50-0.85mts, 51-0.65mts)	4
9.	3rd Class Caro (40.090mts)	1
		47

RFO Report

No.3/3/373/2008-09/SGF

Mr. Narayan Deva Rajan R/o Dona Paula Goa has applied for permission to fell 47 no. of trees from the private property under bearing cadastral Sy.no.43/1-A situated at Dabolim Mormugao Taluka.

The applicant has produced the following documents in support of his application as under :

1. Form B
2. Affidavit
3. Form I & XIV
4. Certified copy of the Resolutions.
5. Certified copy of the Village Panchayat Chicalim.
6. Certified copy Transfer of construction license 4 nos.
7. Certified copy from Planning & Development Authority Vasco da Gama 4 nos.
8. Plan
9. Certified copy of Deed of Sale.

The above referred private property has been inspected . The applicant has marked the following trees for felling.

Sr.No.	Tree no.	Species	Girth	Remark
1.	1	Cashew	85cms	
2.	2	Cashew	140cms	
3.	4	Moi	110cms	
4.	5 A	Char	85cms	
	B		75cms	
5.	6	Moi	115cms	
6.	7	Cashew	120cms	
7.	8	Cashew	110cms	
8.	9	Kudo	90cms	
9.	10	Huso	110cms	
10.	11 A	Cashew	110cms	
	B		80cms	
11.	13	Kudo	110cms	
12.	14 A	Cashew	80cms	
	B		75cms	
13.	15 A	Cashew	110cms	
	B		80cms	
14.	16	Gel	110cms	
15.	17	Moi	90cms	
16.	18	Moi	130cms	
17.	19	Kudo	210cms	
18.	21	Kumbio	110cms	

19.	22	Moi	105cms
20.	24	Kudo	180cms
21.			
22.	26	Kudo	100cms
23.	27	Kumbio	120cms
24.	28	kumbio	105cms
25.	29	Junglee	110cms
26.	30	Huso	90cms
27.	31 A	Cashew	50cms
	B		55cms
28.	32	Cashew	110cms
29.	33	Kudo	90cms
30.	34 A	Cashew	70cms
	B		60cms
31.	35 A	Cashew	95cms
	B		100cms
32.	36	Cashew	90cms
33.	37	Moi	90cms
34.	38	Moi	110cms
35.	39	Char	75cms
36.	40	Caso	90cms
37.	41	Moi	75cms
38.	42	Cashew	60cms
39.	43	Moi	105cms
40.	44	Huso	100cms
41.	45	Cashew	120cms
42.	46	Kombi	90cms
43.	47	Cashew	70cms
44.	48 A	Cashew	60cms
	B		60cms
45.	49	Huso	105cms
46.	50	Junglee	85cms
47.	51	Junglee	65cms

The application wants to develop the property for which he has taken necessary permission for PDA and V.P . Chicalim. The trees are marked within one Ha. wherein the construction work has been proposed. The area is green near the main road at Chicalim. The criteria of private forest is not applicable in this case in my view. The average slope of the property is approx . 30 degree. 2+ is a part of hillock. The necessary certificate is enclosed herewith. Hence the case may be decided.

RFO

90° = 100%
45° = 50%
30° =

Criteria of pvt forest — St K ?
Average slope 30°.
Trees to be felled are forest species
RFC's view is pvt forest NA
Under Trees Act felling not permitted in steep slope
30° = > 50% slope = Very steep
pg 125

LIST OF TREES TO BE FELLED AT S.NO. 43/1-A

Sr. No.	TREES NO	SPECIES	GIRTH	REMARKS
1	1	Cashew	0.85 mtr	
2	2	Cashew	1.40 mtr	
3	4	Moi	1.10 mtr	
4	5	Char	A0.85, B 0.75 mtr	
5	6	Moi	1.15 mtr	
6	7	Cashew	1.20 mtr	
7	8	Cashew	1.10 mtr	
8	9	Kudo	0.90 mtr	
9	10	Huro	1.10 mtr	
10	11	Cashew	A1.10, B 0.80	
11	13	Kudo	1.10 mtr	
12	14	Cashew	A 0.80, B 0.75 mtr	
13	15	Cashew	A 1.10, B 0.80 mtr	
14	16	Gel	1.10 mtr	
15	17	Moi	0.90 mtr	
16	18	Moi	1.30 mtr	
17	19	Kudo	2.10 mtr	
18	21	Kumbio	1.10 mtr	
19	22	Moi	1.05 mtr	
20	24	Kudo	1.80 mtr	
21	25	Junglee	1.00 mtr	
22	26	Kudo	1.00 mtr	
23	27	Kumbio	1.20 mtr	
24	28	Kumbio	1.05 mtr	
25	29	Junglee	1.00 mtr	
26	30	Huro	0.90 mtr	
27	31	Cashew	A 0.50, B 0.55 mtr	
28	32	Cashew	1.10 mtr	
29	33	Kudo	0.90 mtr	
30	34	Cashew	A 0.70, B 0.60 mtr	
31	35	Cashew	A 0.95, B 1.00 mtr	
32	36	Cashew	0.90 mtr	
33	37	Moi	0.90 mtr	
34	38	Moi	1.10 mtr	
35	39	Char	0.75 mtr	
36	40	Caro	0.90 mtr	
37	41	Moi	0.75 mtr	
38	42	Cashew	0.60 mtr	
39	43	Moi	1.05 mtr	
40	44	Huro	1.00 mtr	
41	45	Cashew	1.20 mtr	
42	46	Kumbio	0.90 mtr	
43	47	Cashew	0.70 mtr	
44	48	Cashew	A 0.60, B 0.60	
45	49	Huro	1.05 mtr	
46	50	Junglee	0.85 mtr	
47	51	Junglee	0.65 mtr	

Saravati Builders & Constructions Pvt. Ltd
Authorised Signatories

गोवा GOA DATE 26.06.08 6907 VALUE 01AA 236187

NAME OF PURCHASER

RESIDENT OF

PLACE OF VEN[illegible]

SIG. PURCHASER

SIG. VENDOR

Mrs. Urmila S. Kamat Tarcar
Licence No. AC-STP-VEN/2000
dt 30-1-2001

NOTARY
MENINO TELES
ENTIRE STATE OF GOA
PANAJI - GOA.
Reg. No. 70/96
GOVT. OF GOA (INDIA)

AFFIDAVIT

I, **Ravi Rajan** son of **Shri Narayan Deva Rajan**, major of age, Indian National, residing at **A1, Prima Dona Co-op. Housing Society, Nr. NIO Circle, Behind Police Outpost, Dona Paula – Goa** do hereby state as under:-

That I am the legal authorized signatory of the private property situated at Dabolim Village, Mormugao Taluka, bearing Cadastral Survey no. **43** and sub-division no **1-A** and bounded as follows:-

East: By property surveyed under no. Existing Nallah

West: By property surveyed under no Road and S.No. 44 and S.No. 43/2

Documents provided under Right to Information Act

North: By property surveyed under no. Plot No 5

South: By property surveyed under no Existing 10 mts O.D.P. Road

II That I have applied to the Tree Officer, Margao for permission to cut transport trees from the aforesaid property. All the trees have b serially numbered by paint.

III That there is no other owner/occup of this property or of the fo produce of this property and I hereb solemnly affirm and declare th shall be solely responsible and answ able for any claim and litigati if any, that may arise at any time in future regarding ownership/occupancy of the said pr ty for the forest produce fr the said property.

IV I hereby solemnly declare and affirm to the best of my knowledg and belief the information given by above is correct and true ar nothing material has been concealed a is false.

Place Panjim
Date 25 June 08

NOTARIAL GOVT. OF GOA NOT MENINO TELES... Reg. No. 70/06 NOTARIAL NOTARIAL

Solemnly affirmed before me by Mr. Paul S... s/o ...Dana... Goa who is identified by me by ..... who is known to me REG. No: 8031/25/06/08

MENINO TELES NO [For Entire] PANA.

Deponent

Documents provided un Right to Information Ac

GOA DATE 8.09.08 SER.No. 15728 VALUE Rs. 50/-

NAME OF PURCHASER Saraswati Builders & Co. 11

RESIDENT OF ... PURPOSE ...

PLACE OF VENDOR PANAJI

Sign. of Stamp Vendor
Mrs. Urmila S. Kamat Tinaikar
Lic.No. AC -STP-VEN/2000
Dt. 30-01-2001

SIG. PURCHASER

GOA (INDIA)

BOND

KNOW ALL MEN by these presents that I, **Ravi Rajan** major of age, Indian National, residing at **A11, Ocean Park, Dona Paula – Goa,** (hereinafter referred to as the "Bounden") as held and fully and firmly bound myself through the Conservator of Forests, Government of Goa, Panaji (hereinafter referred to as the Government) for the sum of Rs. 9400/- (Rupees Nine Thousand Four Hundred Only) and such other expenses as may be demanded by the Government as demand and without demur.

Signed and delivered by myself on this day 11th of September Two Thousand Eight.

And whereas the Bounden is the Authorised Signatory and in absolute possession free from all encumbrances of the land admeasuring an area of 77300 Sq.Mtrs situated at Dabolim Village in Taluka of Marmugao in the District of South Goa (hereinafter called as Forest Land)

And whereas the said Bounden has requested the Government for permission to cut the trees for the purpose of re-afforestation of the certain area admeasuring

V. Imp

Documents provided under Right to Information Act

(1) Forest land
(2) Purpose is re-afforest

felling is for the purpose of re-afforest

1hac of the aforesaid forest land more particularly described in the Schedule appended hereto and delineated on the plan annexed hereto (hereinafter called the AFFORESTATION AREA)

And whereas the Government has agreed to permit the Bounden to re-afforest the said area by removing the selected trees on the terms and conditions set out in the letter of permission no. and also set out hereinafter and subject to such rules and regulations as are in force in the State of Goa .

And whereas for the purpose of compliance of the said terms and conditions under which the permission for cutting of trees and re-afforestation is granted, the Bounden has agreed to execute this Bond subject to the conditions hereinafter contained.

Documents provided under Right to Information Act

(Page 84 first)

GO TO START OF NOW.... (Next page)

8. That the Bounden shall be responsible for the protection and maintenance of the planted trees, whether planted by the Bounden himself or by the Forest Department, Government of Goa till the plants are fully established and grown, and on the failure of the Bounden, the Forest Department will have the right to protect the plantation at the cost of the Bounden.

9. That the Bounden shall permit the forest officer of the Forest Department, Government of Goa to enter upon the said area, for the purpose of preservation, planting, transplanting areas, manuring, watering or inspecting the trees planted therein so that the Bounden shall not transfer or submit the privileges or the permission granted hereunder without the prior permission of the Government.

In the event of the said Bounden:

I. Committing the breach of any of the terms and conditions of the above Bond and Letter No.

II. Committing the breach of any of the provisions of the Forest Act 1927 and the Rules framed there under and the Conservation of the Forest Act 1980. FCA

III. Fails to carry out re-afforestation of the said area within the stipulated period as stated above.

Used for land for a non-forest purpose

The said Bounden shall forthwith forfeit the aforesaid amount deposited in its application to afforestation and shall pay on demand such additional or excess sum incured by the Forest Department, Government of Goa, towards afforestation of the said area.

And upon the said Bounden making such payments or the compliance of the covenants and the obligations as stated above, the above written obligation shall be void and no effect otherwise it shall be and remain in force and virtue.

SCHEDULE

If plot not forest subject to FCA involved i.e. allowed.

The private property situated at Dabolim village of Marmugao Taluka, Goa bearing Survey No. 43/1-A of Dabolim village of Marmugao Taluka.

In witness to the above written Bond and conditions **Shri Ravi Rajan** the Bounden has hereto set his hand at this day of September Two Thousand and Eight.

EXECUTED BEFORE ME
WHICH I ATTEST

WILFRED A. P. BIJADITA
NOTARY
PANAJI
STATE OF GOA (INDIA)
Reg. No. 15792/2008
Dated 11.9.2008

Signed and Delivered by the Bounden
Shri Ravi Rajan
In the presence of

Accepted by Shri.

(Designated Officer)
For and behalf of the President of India

WITNESSES:

1. P.Prakash,
2. SAMSON SAMUEL

Documents provided under Right to Information Act

Now, the conditions of the above Bond are that.

In pursuance of the said permission granted for re-afforestation of the said area by removing the selected trees in the forest land particularly described in the Schedule appended hereto, the said Bounden covenants with the Government as follows:-

1. That the Bounden shall re-afforest the said area as directed by the Conservator of Forests, North/South Goa Forest Division, the said area by removing the selected trees in accordance with the permission for the same by Dy. Conservator of Forests, North/ South Goa Forest Division.

2. That the Bounden shall replant the said area after removal of the matured, dead, unsound and uneconomical trees as selected and permitted from the area, and allowed by the Deputy Conservator of Forests, Government of Goa, and shall not cut the young and healthy trees covered under the said area.

3. That the Bounden shall cut the selected trees from the said area of not exceeding 2 Hectors and shall replant within a period of one year after cutting the same.

4. That the Bounden shall be debarred from clear felling in said area having more that 30 degrees slop and also in area which are less than 50 mts from the banks of perennial streams or less than 15 mts from dry nalhas. However, in the area covered thereof only old, deceased and unmatured trees shall be felled on selection basis after its inspection is done by the Forest Officer, Government of Goa, not below the rank of Range Forest Officer, Government of Goa, and the resulting patches would be replanted.

5. That the Bounden shall abide by all rules and regulations laid down by the Forest Department, Government of Goa, and by the instructions issued in writing by the Deputy Conservator of Forests, North/ South Division, Government of Goa, In this regard.

6. That the Bounden shall deposit a sum of Rs 9400/- (Rupees Nine Thousand Four Hundred Only) calculated at the rate of Rs. 200/-per hector.In the Form of Postal Savings/Bank Account/ Term Deposit Receipt from a scheduled Bank duly pledged in favour of the Government, vide S.B.Account No ——— / Term Deposit Receipt No.87223 of Bank of Baroda as a security Deposit for the due performance and obeyance of the terms and conditions as stipulated herein.

7. That in case of the Bounden's failure to replant the said area satisfactorily, the Forest Department, Government of Goa shall take up the work of afforestation at the cost of the said Bounden for the purpose of preservation, formation and Conservation of the forest therein and make other improvements for planting of such other trees as deem fit and the whole expenses incurred in the said operation undertaken by the Forest Department shall be adjusted from the aforesaid deposit made by the Bounden without prejudice to the rights of the Government to recover any additional or excess amount incurred by it and to recover the same as an arrears of the land revenue under the law of the time being in force.

Documents provided under Right to Information Act

Annexure

FORM – B

(See Rule 4-1)

To
The Tree Officer,
South Goa,
Margoa .

Sir,

I apply for grant of permission for felling tree/s located in the village Dabolim Taluka Mormugao District South Goa . I furnish below the following details in support of my application.

i)	Applicant's name and address:	Saravati Builders & Construction Pvt. Ltd.
ii)	Name and address of the owner of the property (if different from applicant) :	F-2 , Landscape Excelsior 1st Floor Opp. Kala Academy , D.B Road , Campal , Panjim – 403001
iii)	Title of the applicant i.e. whether owner / occupant of the property etc :	As above
iv)	Name and serial No. of property :	43-1-A
v)	Total area of the property With description of the boundaries:	
vi)	Total No. of trees (species wise)whose trunk of body is not less than 5cms diameter at a height of 30cms from the ground and whose height is not less than one meter from the ground. (Details of total No. of trees existing in the property separate list may be attached) Including trees marked for feeling :	136 Nos.
vii)	The exact area (in sq. meters) from which felling of trees for which permission sought (description of the boundaries):	10,000 m2
viii)	Total No. of trees to be failed :	47 Nos
ix)	Trees to be felled are serially numbered in paint their girth measured at a height of 1.35 meters from ground level and their details species wise are....	
x)	Purpose for which the felling of Trees are intended :	Development Purpose
xi)	Intended use of felled trees (e.g. For sale , for domestic etc.):	Domestic / Sale

xii)	Intended use of land after felling of trees :	Construction of Residential Building.
xiii)	Number and species of trees intended to be planted after felling (give details of arrangements for raising planting and protecting trees):	150 Nos.
xiv)	Name/s address/es of the owner/ occupants of adjoining property/les:	Saravati Builders & Construction Pvt. Ltd.

2 – I enclose an affidavit and below mentioned papers in support of my application.

DECLARATION

I hereby declare that I shall satisfy and abide by such terms and conditions of the permit as may be specified therein.

Place : Panaji

Dated : 25 June 08

Applicant's Signature

Attested copies of :

1. Property / occupancy documents.
2. Plan of the property showing the survey number.
3. Enumeration list (duly signed by the applicant).
4. Boundary list (duly signed by the applicant).
5. Latest index of land record issued by the Mamlatdar.
6. 'No Objection Certificate ' from Administration of comunidades.
7. 'No Objection Certificate ' from adjoining property.

~~Annexure~~

Notes

Applicant is the Authorized Signature of the firm. Copy of the sale deed enclosed. He has applied for felling of 47 trees. RFO has inspected the trees and recommended all 47 trees for felling.

Papers are ok . As per the remark on the body of the letter, file is kept for inspection.

For inspection by DCF (S)

14.08

Inspected
The FCA is not applicable. 47 trees permitted as recommended by the RFO (MS).
The applicant to plant 5 time trees permitted.

3/9/08

Applicant has paid a fee of Rs.4700/- towards felling of 47 trees vide Receipt No. 25/693 dt. 8/9/08.
Also he has furnished a draft of Rs.9400/- of Bank of Baroda, Panaji Branch along with bond.
As such, order is placed in the file.
12.9.08

Please see a letter received from applicant asking therein for extension of time limit to fell the trees.
As per the remark of DCF on the body of letter, extension letter is placed in the file for signature please.
31.10.08

Annexure

FORM (E)
(See Rule 6)
TREE OFFICER-CUM-DY. CONSERVATOR OF FORESTS
Government of Goa
FOREST DEPARTMENT

No. 3/3/158/2009-10/SGF/527
Dated: 28.05.09

Sub: Permission of fell trees

With reference to his/her application dated 7.10.08 for grant of permission to fell trees to Shri/Smt. Ravi Rajan is hereby informed that he/she is granted permission to fell trees as ~~per the details~~ indicated below from the private property known as Nagwado under Sy. No. 43/1-A situated in Dabolim Mormugao Taluka subject to the terms and conditions ~~hereto specified~~:

DETAILS OF TREES

Sr. No.	Species of trees	No. of trees
	List of Species enclosed	45

To,
Shri/Smt. Ravi Rajan
R/o A-11, Ocean Park,
Dona Paula Goa.

(M.K. Bidi)
Tree Officer-cum-Dy-Conservator of Forest
South Goa Division, Margao

Terms and conditions

1. The Range Forest Officer shall mark the trees before cutting.
2. Permission to fell trees is granted at his/her risk and without prejudice to claim/s of any other person/s who may be having right/s over the land of trees.
3. Felling of trees shall be completed within 45 days from the above mentioned date.
4. Material produced from the felled trees shall not be removed or disposed without permission of the tree Officer.
5. He/She shall replant tree as per details given below during ensuing/planting season, i.e. commencing from June to ... 2008.... August... 2009... in the property from which the trees will be felled.

Licence fee was paid vide R.No. 3/737 dtd. 27.05.09 for Rs. 4500/-

Sr. No.	Species	No. of trees
	Forestry Species etc	225

6. He/She shall deposit a sum of Rs. 9000/- (Rupees nine thousand only vide TDR No. 872368 dtd. 25.05.09 along with the bond) as security Deposit in the office of the Dy.

Conservator of Forests, South Goa Division, Margao-Goa, before starting the felling of the trees for ensuring the replanting of the trees (indicated at Sr. No. 5 above)

7. In the event of failure on the part of permit holder to replant the trees as indicated at Sr. No. 5 above, then the Tree officer, shall himself undertake to replant the trees and recover the cost thereof from the permit holder by way of adjustment against the Security Deposit made by the permit holder or felling that by recovery as arrears of Land Records.

Copy to the Conservator of Forests, Panaji Goa for information.
Copy to: The RFO (M.S) w.r. to his report dated: 22.5.09. He is directed to keep strict watch over the felling of 45 nos of trees and ensure that no illegal felling takes place.

Second Phase trees to be felled

Sr. No.	TREES	GIRTH	TYPE	BLOCK
1	98	0.60 mtr	Tanado	C
2	94	0.90 mtr	Sawar	C
3	93	0.70 mtr	Moi	C
4	92	0.95 mtr	Tanado	C
5	78	1.44 mtr	Sawar	C
6	483	0.90 mtr	Cavanch	C
7	66	1.55 mtr	Moi	C
8	71	0.60 mtr	Moi	C
9	69	0.85 mtr	Caro	C
10	73	1.00 mtr	Cashew	C
11	43	1.10 mtr	Moi	C
12	163	1.50 mtr	Cashew	C1
13	488	1.05 mtr	Cashew	C1
14	489	2.05 mtr	Cashew	C1
15	490	1.05 mtr	Cashew	C1
16	192	1.50 mtr	Tando	C1
17	193	1.25 mtr	Tando	C1
18	194	1.0 mtr	Junglee	C1
19	197	0.95 mtr	Junglee	C2
20	195	1.15 mtr	Jungle	C2
21	294	1.00 mtr	Blackberry	C2
22	293	1.20 mtr	Tanado	C2
23	289	1.15 mtr	Moi	C2
24	431	0.90 mtr	Junglee	C2
25	426	1.0 mtr	Junglee	C2
26	425	1.25 mtr	Junglee	C2
27	410	0.95 mtr	Tanado	C2
28	413	0.74 mtr	Tanado	C2
29	412	0.95 mtr	Cavanch	C2
30	414	0.70 mtr	Junglee	C3
31	364	1.10 mtr	Junglee	C3
32	537	1.10 mtr	Cashew	C3
33	365	1.60 mtr	Pipal	C3
34	539	1.10 mtr	Cashew	C3
35	366	1.0 mtr	Tanado	C3
36	397	1.45 mtr	Junglee	C4
37	143	0.95 mtr	Char	C4
38	556	1.35 mtr	Cashew	C4
39	117	1.30 mtr	Junglee	C4
40	550	0.95 mtr	Cashew	C4
41	128	2.20 mtr	Junglee	C4
42	115	1.50 mtr	Junglee	C4
43	546	1.15 mtr	Cashew	C4
44	543	1.15 mtr	Junglee	C4
45	119	2.68 mtr	Mango	C4

1969

GOA

DATE 07.02.09 SER No 7216 VALUE Rs. 50/-
NAME OF PURCHASER Delmiro Real Estate
RESIDENT OF Penga Goa PURPOSE
PLACE OF VENDOR PANJI

SIG. PURCHASER

SIG. VENDOR
L. C. AC/STP/VEN/2002/338
Panaji-Goa

NOTARY
ALFRED A. F. COUTINHO
PANAJI - GOA
Reg. No. 41/91
OF GOA (INDIA)

BOND

KNOW ALL MEN by these presents that I, **Ravi Rajan** major of age, Indian National, residing at **A11, Ocean Park, Dona Paula – Goa,** am the Authorised Signatory of M/s Saravati Builders & Constructions Pvt. Ltd., (hereinafter referred to as the "Bounden") as held and fully and firmly bound myself through the Conservator of Forests, Government of Goa, Panaji (hereinafter referred to as the Government) for the sum of Rs. 9000/- (Rupees Nine Thousand Only) and such other expenses as may be demanded by the Government as demand and without demur.

Signed and delivered by myself on this day 26th of May Two Thousand Nine.

And whereas the Company is in absolute possession free from all encumbrances of the land admeasuring an area of 1 hectare situated at Dabolim Village in Taluka of Mormugao in the District of Goa (hereinafter called as "DESIGNATED LAND")

Documents provided under Right to Information Act

And whereas, the said BOUNDEN has requested the Government for permission to cut the trees for the purposes of reforestation of the certain area admeasuring 1 hectare of the aforesaid designated land more particularly described in the Schedule appended hereto and delineated on the plan annexed hereto (hereinafter called the "AFFORESTATION AREA")

And whereas the Government has agreed to permit the BOUNDEN to reforest the said area by removing the selected trees on the terms and conditions set out in the letter of permission no. and also set out hereinafter and subject to such rules and regulations as are in force in the State of Goa.

And whereas for the purpose of compliance of the said terms and conditions under which the permission for cutting of trees and reforestation is granted, the BOUNDEN has agreed to execute this BOND subject to the conditions hereinafter contained.

NOW, THE CONDITIONS OF THE ABOVE BOND ARE THAT.

In pursuance of the said permission granted for re-forestation of the said area by removing the selected trees in the designated land particularly described in the Schedule appended hereto, the said BOUNDEN covenant with the Government as follows:-

Documents provided under Right to Information Act

1. That the BOUNDEN shall reforest the said area as directed by the Dy. Conservator of Forest, South Goa Forest Division, in accordance with the permission for the same by Dy. Conservator of Forests, South Goa Forest Division.

2. That the BOUNDEN shall replant the said area after removal of the matured, dead, unsound and uneconomical trees as selected and permitted from the area, and allowed by the Deputy Conservator of Forests, Government of Goa, and shall not cut the young and healthy trees covered under the said area.

3. That the BOUNDEN shall cut the selected trees from the said area not exceeding 45 nos shall replant within a period of one year after cutting the same.

4. That the BOUNDEN shall be declared from clear felling in said area having more that 30 degrees slope and also in area which are less than 50 mts from the banks of perennial streams or less than 15 mts from dry nalhas. However, in the area covered thereof only old, deceased and over matured trees shall be felled on selection basis after its inspection is done by the Forest Officer, Government of Goa, not below the rank of Range Forest Officer, Government of Goa, and the resulting patches would be replanted.

5. That the BOUNDEN shall abide by all rules and regulations laid down by the Forest Department, Government of Goa, and by the instructions issued in writing by the Deputy Conservator of Forests, South Division, Government of Goa, In the regard.

6. That the Bounden shall deposit a sum of Rs 9000/- (Rupees Nine Thousand Only) calculated at the rate of Rs. 200/- per tree in the form of Postal Savings/Bank Account/ Term Deposit Receipt from a scheduled Bank duly pledged in favour of the Government, vide account no / term deposit receipt No..872368, drawn on "The Bank of Baroda", Panaji –Goa as a security Deposit for the due performance and abeyance of the terms and conditions as stipulated herein.

7. That in case of the BOUNDEN failure to replant the said area satisfactorily, the Forest Department, Government of Goa shall take up the work of reforestation at the cost of the said BOUNDEN for the purpose of preservation, formation and conservation of the forest therein and make other improvements for planting of such other trees as deem fit and the whole expenses incurred in the said operation undertaken by the Forest Department shall be adjusted from the aforesaid deposit made by the BOUNDEN without prejudice to the rights of the Government to recover any additional or excess amount incurred by it and to recover the same as an arrears of the land revenue under the law of the time being in force.

8. That the BOUNDEN shall be responsible for the protection and maintenance of the planted trees, whether planted by the BOUNDEN himself or by the Forest Department, Government of Goa till the plants are fully established and grown, and on the failure of the Bounden, the Forest Department will have the right to protect the plantation at the cost of the BOUNDEN.

9. That the BOUNDEN shall permit the forest officer of the Forest Department, Government of Goa to enter upon the said area, for the purpose of preservation, planting, transplanting areas, manuring, watering or inspecting the trees planted therein so that the BOUNDEN shall not transfer or submit the privileges or the permission granted hereunder without the prior permission of the Government.

Documents provided under Right to Information Act

In the event of the said BOUNDEN:

I. Committing the breach of any of the terms and conditions of the above Bond and the letter no.

II. Committing the breach of any of the provisions of the Forest Act 1927 and the Rules framed there under and the Conservation of the Forest Act 1980

III. Fails to carry out reforestation of the said area within the stipulated period as stated above.

The said BOUNDEN shall forthwith forfeit the aforesaid amount deposited in its application to afforestation and shall pay on demand such additional or excess sum incurred by the Forest Department, Government of Goa, towards reforestation of the said area.

And upon the said BOUNDEN making such payments or the compliance of the covenants and the obligations as stated above, the above written obligation shall be void and no effect otherwise it shall be and remain in force and virtue.

SCHEDULE

The private property at Dabolim village of Mormugao Taluka, Goa bearing Survey No. 43/1-A of Dabolim village of Mormugao Taluka.

In witness to the above written Bond and conditions Shri Ravi Rajan the Bounden has hereto set his hand at this 26th day of May Two Thousand and Nine.

Signed and Delivered by the

Bounden: Shri Ravi Rajan

In the presence of

Witnesses:-

1)

2)

EXECUTED BEFORE Me
WHICH I ATTEST

WILFRED A. F. BARADITA
NOTARY
PANAJI
STATE OF GOA (INDIA)
Reg: 9035/09
dtd 26/05/2009

Accepted by Shri

(Designated Officer)
For and on behalf of the President of India

Documents provided under
Right to Information Act

Annexure 17

REPORT

1. One Mr. Ravi Rajan r/o. Dona Paula, Goa applied for felling of 47 nos of trees in Survey no. 43/1-A of Dabolim Village, Mormugao Taluka vide his application dtd.25/6/2008. The application was made in the name of M/s. Saravati Builders and Constructins (P) Ltd. Alongwith the application they submitted the requisite documents and also the Development permission of Mormugao Planning and Development Authority, and construction licence from Village Panchayat, Chicalim (Copies enclosed)

The site was inspected by Range Forest Officer (Mobile Squad) and subsequently by DCF and the permission to fell 47 nos of trees was granted by this office vide order No. 3/3/373/2008-09/1173 dtd. 12/09/2009 with a condition to plant 235 no. of trees.

The applicants applied for extension of time for felling on 23rd October 2008 and the same was granted by the DCF on 3/11/2008.

2. In a second application dtd. 7th October 2008 the same applicant applied for felling of 59 nos of trees. The felling permission was granted for 45 nos. of trees vide order dtd. 28/5/2009 with a condition to plant 225 no of trees. Extention of time for felling was asked by the applicants on 2/7/2009 which was granted by the DCF on 9/7/2009.

3. No transportation permission was asked for in both the cases of trees felling. During subsequent inspections it was noticed that the felled material is lying in the site only. The reason attributed for non-transporting is that the value of timber is less and also as the cost involved in extracting and transporting is high due to bushes and slope, the applicants would prefer to dispose the same as firewood to the nearby villagers.

4. On Verification of the tree felling site, it was noticed that 6 extra trees were felled for which an offence case was booked vide Range Offence case No. 32/RFO/MAR/09-10 dtd. 19/11/2009. Further inquiry in the matter is in progress. It involves firewood of 14.00 cum volume (as per the FOR)

5. The staff and officers of this Division have been regularly visiting the site due to the sensitive nature of the issue in view of complaints from various activists and NGOs. No blatant violation of any Forest Act is noticed and felling has been done as per the permission given by the Department. The Sy. No. 43/1-A is a private property and not identified by either of the State

Bond showed that

Level Expert Committees as Private Forest. Felling has already been carried out and hence it is very difficult now to ascertain whether the area qualified as forest or not. It is safe to assume as has been recorded in the file that permissions were given only after verifying the facts. As development activities are being carried out by the user agency subsequent to felling in the same area, it is very difficult to find out whether the area is clear felled by taking permission for all trees present in the site. The demarcation of 1 ha in both cases is not clear at this stage. But on verifying the stumps at site of the area not developed, it is found that only bush clearance is done no tree stumps for illegal felling (except the 6 trees mentioned) are noticed.

Violation of FCA

6. To allay the fears of any collusion of the Dept. with the builder, Shri Claude Alvares of Goa Foundation, Shri Avuduth Naik of Save our Slopes, and Shri Minguel Bragnza were taken by the undersigned to the site along with staff of this Division. Even they could not detect any illegal felling as is being alleged in newspapers and visual media.

disputed

7. It is noticed that in the same property adjacent to the area where tree felling has been permitted, good tree cover exists along the slope. The undersigned has already directed the builders and the Dept. staff to ensure that the trees are preserved and any application, if at all are made in future for felling of trees in remaining area will be discouraged going by rules and regulations.

8. The Builder has also been directed to plant trees on priority as per the conditions in tree felling permission (five times) and inform this office for inspection.

This is for you kind information and necessary action please.

(Sd/)
(M. K. Shambhu) IFS, (24.12.2009)
Dy. Conservator of Forests,
South Goa Division,
Margao-Goa.

(1) FCA does not prevent tree felling
(2) Good tree cover.
(3) further felling discouraged.
Is the area forest?

On 24/12/09 Forest Dept does not know whether qualified as forest or not

ANNEXURE 18

No. 21-192/2008-IA.III
Government of India
Ministry of Environment & Forests
Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 003.

Dated: 2nd February, 2009.

To
M/s. Saravati Builders & Constructions Pvt. Ltd.,
I-1A, Dhawan Deep Apartments,
6, Jantar Mantar Road,
New Delhi - 110 001.

Subject: Construction of Dabolim Apartments and Club House at Plot No. 1, 2, 3, 4, Survey No.43/1, village Dabolim, Mormugao Taluka, South Goa by M/s. Saravati Builders and Constructions Pvt. Ltd. - Environmental Clearance - Reg.

Dear Sirs,

This has reference to your application No. nil, dated 01.04.2008 and subsequent letters dated 30.09.2008 and 20.11.2008 seeking prior Environmental Clearance for the above project under the EIA Notification, 2006. The proposal has been appraised as per prescribed procedure in the light of provisions under the EIA Notification, 2006 on the basis of the mandatory documents enclosed with the application viz., the Questionnaire, EIA, EMP and the additional clarifications furnished in response to the observations of the Expert Appraisal Committee constituted by the competent authority in its meetings held on 26th - 28th June 2008, 23rd - 24th October, 2008 and 22nd - 23rd December, 2008 and awarded 'Silver' grading to the project.

2. It is, interalia, noted that the project involves construction of group housing and a club on a plot area of 77,294.36 sq.m. The total builtup area proposed is 81,728 Sq.m. (stilt + 5 floors). It is proposed to construct 2 BR ? 580. In addition to above, it is also proposed to construct a club house, 36 multipurpose rooms, crèche, computer training centre, yoga training centre, multipurpose hall, community centre and a mini super market. The total water requirement is 546.28 KLD (fresh water requirement is 314.12 KLD). The capacity of STP proposed is 450 KLD. Treated waste water to be used for flushing of toilets 142.16 KLD, horticulture 90 KLD, AC cooling 85 KLD and excess treated waste water 52.43 KLD will be made available to the village panchayat for irrigation. Total solid waste generation will be 2.2 MT/day. The power requirement is 2250 KW. The total parking spaces proposed are for 720 ECS. Total cost of the project is Rs. 130.00 Crores.

3. The Goa Coastal Zone Management Authority, vide their letter No. GCZMA/NDZ/08-09/828, dated 19.11.2008 informed that the property bearing Sy.No.43/1 is falling beyond 100 mts. of No Development Zone (NDZ) of the river Zuari and as such beyond NDZ area does not fall within the purview of GCZMA vis-à-vis implementation of CRZ Notification, 1991.

4. The Expert Appraisal Committee, after due consideration of the relevant documents submitted by the project proponent and additional clarifications furnished in response to its observations, have recommended for the grant of Environmental Clearance for the project mentioned above. Accordingly, the Ministry hereby accord necessary Environmental Clearance for the above project as per the provisions of Environmental Impact Assessment Notification, 2006 and its subsequent amendments, subject to strict compliance of the terms and conditions as follows:

PART A - SPECIFIC CONDITIONS

I. Construction Phase

(i) 'Consent for Establishment' shall be obtained from Goa Pollution Control Board under Air and Water Act and a copy shall be submitted to the Ministry before start of any construction work at the site.

(ii) No development shall take place in the CRZ area and the direction of the Hon'ble High Court of Bombay in W.P.No.150 of 1998 shall be complied with.

(iii) Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.

(iv) A First Aid Room will be provided in the project both during construction and operation of the project.

(v) All the topsoil excavated during construction activities should be stored for use in horticulture/landscape development within the project site.

(vi) Disposal of muck during construction phase should not create any adverse effect on the neighbouring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.

(vii) Soil and ground water samples will be tested to ascertain that there is no threat to ground water quality by leaching of heavy metals and other toxic contaminants.

(viii) Construction spoils, including bituminous material and other hazardous materials, must not be allowed to contaminate watercourses and the dump sites for such material must be secured so that they should not leach into the ground water.

(ix) Any hazardous waste generated during construction phase, should be disposed off as per applicable rules and norms with necessary approvals of the Goa Pollution Control Board.

(x) The diesel generator sets to be used during construction phase should be low sulphur diesel type and should conform to Environment (Protection) Rules prescribed for air and noise emission standards.

(xi) The diesel required for operating DG sets shall be stored in underground tanks and if required, clearance from Chief Controller of Explosives shall be taken.

(xii) Vehicles hired for bringing construction material to the site should be in good condition and should have a pollution check certificate and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.

(xiii) Ambient noise levels should conform to residential standards both during day and night. Incremental pollution loads on the ambient air and noise quality should be closely monitored during construction phase. Adequate measures should be made to reduce ambient air and noise level during construction phase, so as to conform to the stipulated standards by CPCB/ Goa PCB.

(xiv) Fly ash should be used as building material in the construction as per the provisions of Fly Ash Notification of September, 1999 and amended as on 27th August, 2003. (The above condition is applicable only if the project site is located within the 100 Km of Thermal Power Stations).

(xv) Ready mixed concrete must be used in building construction.

(xvi) Storm water control and its re-use as per CGWB and BIS standards for various applications.

(xvii) Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices referred.

(xviii) Permission to draw ground water shall be obtained from the competent Authority prior to construction/operation of the project.

(xix) Separation of grey and black water should be done by the use of dual plumbing line for separation of grey and black water.

(xx) Fixtures for showers, toilet flushing and drinking should be of low flow either by use of aerators or pressure reducing devices or sensor based control.

(xxi) Use of glass may be reduced by upto 40% to reduce the electricity consumption and load on airconditioning. If necessary, use high quality double glass with special reflective coating in windows.

(xxii) Roof should meet prescriptive requirement as per Energy Conservation Building Code by using appropriate thermal insulation material to fulfill requirement.

(xxiii) Opaque wall should meet prescriptive requirement as per Energy Conservation Building Code which is proposed to be mandatory for all airconditioned spaces while it is aspirational for non-airconditioned spaces by use of appropriate thermal insulation material to fulfill requirement.

(xxiv) The approval of the competent authority shall be obtained for structural safety of the buildings due to earthquake, adequacy of fire fighting equipments, etc. as per National Building Code including protection measures from lightening etc.

(xxv) Regular supervision of the above and other measures for monitoring should be in place all through the construction phase, so as to avoid disturbance to the surroundings.

(xxvi) Under the provisions of Environment (Protection) Act, 1986, legal action shall be initiated against the project proponent if it was found that construction of the project has been started without obtaining environmental clearance.

II. Operation Phase

i) The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the Ministry before the project is commissioned for operation. Treated affluent emanating from STP shall be recycled/reused to the maximum extent possible. Treatment of 100% grey water by decentralised treatment should be done. Discharge of unused treated affluent shall conform to the norms and standards of the Goa Pollution Control Board. Necessary measures should be made to mitigate the odour problem from STP.

ii) The solid waste generated should be properly collected and segregated. Wet garbage should be composted and dry / inert solid waste should be disposed off to the approved sites for land filling after recovering recyclable material.

iii) Diesel power generating sets proposed as source of back up power for elevators and common area illumination during operation phase should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The height of stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets. Use low sulphur diesel. The location of the DG sets may be decided with in consultation with Goa Pollution Control Board.

iv) Noise should be controlled to ensure that it does not exceed the prescribed standards. During night time the noise levels measured at the boundary of the building shall be restricted to the permissible levels to comply with the prevalent regulations.

v) The green belt of the adequate width and density preferably with local species along the periphery of the plot shall be raised so as to provide protection against particulates and noise.

vi) Weep holes in the compound walls shall be provided to ensure natural drainage of rain water in the catchment area during the monsoon period.

vii) Rain water harvesting for roof run- off and surface run- off, as plan submitted should be implemented. Before recharging the surface run off, pre-treatment must be done to remove suspended matter, oil and grease. The borewell for rainwater recharging should be kept at least 5 mts. above the highest ground water table.

viii) The ground water level and its quality should be monitored regularly in consultation with Central Ground Water Authority.

ix) Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized and no public space should be utilized.

x) A Report on the energy conservation measures confirming to energy conservation norms finalise by Bureau of Energy Efficiency should be prepared incorporating details about building materials & technology, R & U Factors etc and submit to the Ministry in three months time.

xi) Energy conservation measures like installation of CFLs/TFLs for the lighting the areas outside the building should be integral part of the project design and should be in place before project commissioning. Use CFLs and TFLs should be properly collected and disposed off/sent for recycling as per the prevailing guidelines /rules of the regulatory authority to avoid mercury contamination. Use of solar panels may be done to the extent possible.

xii) Adequate measures should be taken to prevent odour problem from solid waste processing plant and STP.

xiii) The building should have adequate distance between them to allow movement of fresh air and passage of natural light, air and ventilation.

PART B. GENERAL CONDITIONS

i) The environmental safeguards contained in the EIA Report should be implemented in letter and spirit.

ii) Six monthly monitoring reports should be submitted to the Ministry and it?s Regional Office, Bangalore.

4. Officials from the Regional Office of MOEF, Bangalore who would be monitoring the implementation of environmental safeguards should be given full cooperation, facilities and documents / data by the project proponents during their inspection. A complete set of all the documents submitted to MoEF should be forwarded to the CCF, Regional office of MOEF, Bangalore.

5. In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by this Ministry.

6. The Ministry reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environmental (Protection) Act, 1986, to ensure effective implementation of the suggested safeguard measures in a time bound and satisfactory manner.

7. All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department, Forest Conservation Act, 1980 and Wildlife (Protection) Act, 1972 etc. shall be obtained, as applicable by project proponents from the respective competent authorities.

8. These stipulations would be enforced among others under the provisions of Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and control of Pollution) act 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and EIA Notification, 2006.

9. The project proponent should advertise in at least two local Newspapers widely circulated in the region, one of which shall be in the vernacular language informing that the project has been accorded Environmental Clearance and copies of clearance letters are available with the Goa Pollution Control Board and may also be seen on the website of the Ministry of Environment and Forests at http://www.envfor.nic.in. The advertisement should be made within 10 days from the date of receipt of the Clearance letter and a copy of the same should be forwarded to the Regional office of this Ministry at Bangalore.

10. Environmental clearance is subject to final order of the Hon'ble Supreme Court of India in the matter of Goa Foundation Vs. Union of India in Writ Petition (Civil) No.460 of 2004 as may be applicable to this project.

11. Any appeal against this Environmental Clearance shall lie with the National Environment Appellate Authority, if preferred, within a period of 30 days as prescribed under Section 11 of the National Environment Appellate Act, 1997.

12. Status of compliance to the various stipulated environmental conditions and environmental safeguards will be uploaded by the project proponent in its website.

(Bharat Bhushan)
Director (IA)

Copy to:

1. The Secretary, Department of Environment, Government of Goa, Panjim, Goa.

2. The Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi ? 110 032.

3. The Member Secretary, Goa Pollution Control Board, Dempo Tower, 1st Floor, Patto Plaza, Panjim, Goa ? 403 001.

4. The CCF, Regional Office, Ministry of Environment & Forests(SZ), Kendriya Sadan, IVth Floor, E&F wings, 17th Main Road, Koramangala II Block, Bangalore ? 560 034.

5. IA - Division, Monitoring Cell, MOEF, New Delhi 110003.

6. Guard file.

(Bharat Bhushan)
Director (IA)

No. 21-192/2008-IA.III

Comprehensive Check Memo indicating time taken for Environmental clearance

S. No.	Activity	Date
1.	Received in the MoEF	04.04.2008
2.	Examination done in Ministry of Environment and Forests	07.04.2008
3.	Clarification/ additional information sought	-
4.	Information received from project proponent	-
5.	Public Hearing conducted	-
6.	NOC received from SPCB	-
7.	Placed before Expert Committee	26th - 28th June, 2008 23rd - 24th October, 2008 22nd - 23rd December, 2008
8.	Specific clarification/ information as sought by the Expert Committee / Ministry	17.07.2008 ✓ 10.11.2008 ✓
9.	Information received from Project Proponent	30.09.2008 ✓ 20.11.2008 ✓
10.	Submitted by Director for orders	20.01.2009
11.	Submitted for orders by Adviser (IA.III)	
12.	Submitted for orders by SS	
13.	Submitted for orders by Secretary.	
14.	Cleared by Minister	

No. 21-192/2008-IA.III

Subject: Construction of Dabolim Apartments and Club House at Plot No. 1, 2, 3, 4, Survey No.43/1, village Dabolim, Mormugao Taluka, South Goa by M/s. Saravati Builders and Constructions Pvt. Ltd. - Environmental Clearance ? Reg.

The proposal involves construction of group housing and a club on a plot area of 77,294.36 sq.m. The total builtup area proposed is 81,728 Sq.m. (stilt + 5 floors). It is proposed to construct 2 BR ? 580. In addition to above, it is also proposed to construct a club house, 36 multipurpose rooms, crèche, computer training centre, yoga training centre, multipurpose hall, community centre and a mini super market. The total water requirement is 546.28 KLD (fresh water requirement is 314.12 KLD). The capacity of STP proposed is 450 KLD. Treated waste water to be used for flushing of toilets 142.16 KLD, horticulture 90 KLD, AC cooling 85 KLD and excess treated waste water 52.43 KLD will be made available to the village panchayat for irrigation. Total solid waste generation will be 2.2 MT/day. The power requirement is 2250 KW. The total parking spaces proposed are for 720 ECS. Total cost of the project is Rs. 130.00 Crores.

The proposal was considered by the Expert Committee for New Construction Projects and New Industrial Estates at its meeting held 26th ? 28th June 2008 and 23rd ? 24th October, 2008. The minutes of the meeting is enclosed (F/A) and committee recommends environmental clearance subject to satisfactory compliance of the observations. The information received on 20.11.2008 (F/B). The Committee in its meeting held on 22nd ? 23rd December, 2008, finally recommended the proposal for environmental clearance after examining the details sent by the project proponent and awarded ?Silver? grading to the project.

The Goa Coastal Zone Management Authority, vide their letter No. GCZMA/NDZ/08-09/828, dated 19.11.2008 informed that the property bearing Sy.No.43/1 is falling beyond 100 mts. of No Development Zone (NDZ) of the river Zuari and as such beyond NDZ area does not fall within the purview of GCZMA vis-à-vis implementation of CRZ Notification, 1991. The file was sent to CRZ Division in this regard. As suggested, following condition has been added in the Environmental Clearance letter under Construction phase at point No. (ii).

No development shall take place in the CRZ area and the direction of the Hon?ble High Court of Bombay in W.P.No.150 of 1998 shall be complied with..

The proposal is processed as per the procedure of EIA Notification -1994, in terms of para 12 of EIA Notification-2006, and read with para 2.0, sub-para 2.1, 2.1.1. and (i) of the circular dated 13.10.2006. The project falls under Category ?B-2? of EIA Notification 2006, Building Construction Projects/Area Development projects and Townships 8(a). As the project has been submitted on 04.04.2008, i.e. after the notification, and the SEIAA/SEAC of Goa has not been constituted yet, that is why the project is processed by Ministry of Environment & Forests, New Delhi. The project proponents shall obtain the Consent to Establishment from Goa Pollution Control Board under Air and Water Act.

from pre-page:

A check Memo list indicating features of project is also enclosed. In view of the above, we may accord environmental clearance to the project subject to the conditions mentioned in the draft clearance letter placed below.

(Bharat Bhushan)
Director (IA-III)
20/01/2009

Adviser (IA-III)

Minutes of the 62nd Meeting of the Expert Appraisal Committee for New Construction and Industrial Estates Projects held in the Bhabha Chamber, SCOPE Complex, Opp. Jawaharlal Nehru Stadium, Lodhi Road, New Delhi - 110 003 on 26th to 28th June, 2008.

4.17 Construction of Dabolim Apartments and club house at village Dabolim, Goa by M/s. Saravati Builders and construction Pvt. Ltd. (No: 21-192/2008-IA.III)

The project involves construction of group housing and a club on a plot area of 77,294.36 sq.m. The total builtup area proposed is 76,250 Sq.m. (stilt + 5 floors). It is proposed to construct 1 BR - 108, 2 BR - 380 and 3 BR - 100. In addition to above, it is also proposed to construct a club house with 65 guest rooms, restaurants, coffee shops and a sitting capacity of 250 people and a swimming pool. The total water requirement is 616 KLD (fresh water requirement is 312 KLD). The capacity of STP proposed is 450 KLD. Treated waste water to be used for flushing of toilets 134 KLD, horticulture 85 KLD, AC cooling 85 KLD. Total solid waste generation will be 1.9 MT/day. The power requirement is 2250 KW. The total parking spaces proposed are for 843 ECS. Total cost of the project is Rs. 130.00 Crores.

During discussions, the following points emerged:

(i) Submit a certificate confirming that the area does not fall within the CRZ and does not attract CRZ provisions. River Zuari is 0.8 Km from the project site.

(ii) Club with 65 guest rooms does not appear justified, it is incompatible with the residential complex. Submit a copy of landuse certificate permitting such commercial activity.

(iii) Submit a copy of the contour plan of the site and the surrounding area indicating slopes, drainage pattern and outfall.

(iv) Quantify the sources of water (municipal/ground water/tanker). Obtain permission from CGWA for drawing ground water. Tanker is not an acceptable source during the operational phase in terms of dependability and quality.

(v) 6 m. wide road for the residential complexes is very narrow. The minimum width of the right of way should not be less than 9 m.

(vi) The proposal indicates the construction of a 'rainy' well. No details are given to establish its capacity with respect to ground water table and soil characteristics.

(vii) Parking seems to be inadequate. Make provision for 1 ECS for 2 BR and 2 ECS for 3 BR. Add 10% for visitors. Separate parking proposals should be made for club house.

(viii) Submit details of use of eco-friendly building materials and fly ash.

(ix) Storm water drainage and outfall is not investigated. Drawing shows the outlet draining into others property.

In view of the foregoing observations, the proposal is not recommended for environmental clearance. The proposal shall be considered afresh after the above observations are addressed and proposal is submitted for reconsideration.

Minutes of the 67th Meeting of the Expert Appraisal Committee for New Construction and Industrial Estates Projects held in the Bhabha Chamber, Ground Floor, SCOPE Complex, Opp. Jawaharlal Nehru Stadium, Lodhi Road, New Delhi on 23rd ? 24th October, 2008.

3.5 Construction of Dabolim Apartments and club house at village Dabolim, Goa by M/s. Saravati Builders and construction Pvt. Ltd. (No: 21-192/2008-IA.III)

The project involves construction of group housing and a club on a plot area of 77,294.36 sq.m. The total builtup area proposed is 81,728 Sq.m. (stilt + 5 floors). It is proposed to construct 2 BR ? 580. In addition to above, it is also proposed to construct a club house, 6 multipurpose rooms, crèche, computer training centre, yoga training centre, multipurpose hall and community centre. The total water requirement is 540 KLD (fresh water requirement is 314 KLD). The capacity of STP proposed is 450 KLD. Treated waste water to be used for flushing of toilets 134 KLD, horticulture 85 KLD, AC cooling 85 KLD. Total solid waste generation will be 1.9 MT/day. The power requirement is 2250 KW. The total parking spaces proposed are for 720 ECS. Total cost of the project is Rs. 130.00 Crores.

The above proposal was put up for consideration in the 62nd EAC meeting held on 26th - 28th June, 2008 and again in the 67th meeting held on 23rd - 24th October, 2008. During discussions, the following points emerged:

(i) The project may fall under CRZ. Submit NOC/ recommendation from Goa Coastal Zone Management Authority.

(ii) Submit revised details of the changes in the project (3 BR & 1 BR are replaced by 2 BR apartments).

(iii) Fresh water should not be used for flushing of toilets. Use treated waste water and submit revised water balance chart.

(iv) The fresh water withdrawal from ground water and supply by PWD should be limited to 314 KLD.

(v) The dead end of the roads should have proper round-about /cul-de-sac.

(vi) The runoff should be calculated on the peak hourly rainfall basis and storage should be worked out on peak daily rainfall basis.

(vii) Permeability of soil (Lateritic clay) should be considered in the design of rainwater harvesting structures.

Provided the response of the project proponent to the aforesaid observations is to the satisfaction of the Committee, the proposal may be considered for recommendation for Environmental Clearance.

5.9 Construction of Dabolim Apartments and club house at village Dabolim, Goa by M/s. Saravati Builders and construction Pvt. Ltd. (No: 21-192/2008-IA.III)

The project involves construction of group housing and a club on a plot area of 77,294.36 sq.m. The total builtup area proposed is 81,728 Sq.m. (stilt + 5 floors). It is proposed to construct 2 BR ? 580. In addition to above, it is also proposed to construct a club house, 6 multipurpose rooms, crèche, computer training centre, yoga training centre, multipurpose hall and community centre. The total water requirement is 540 KLD (fresh water requirement is 314 KLD). The capacity of STP proposed is 450 KLD. Treated waste water to be used for flushing of toilets 134 KLD, horticulture 85 KLD, AC cooling 85 KLD. Total solid waste generation will be 1.9 MT/day. The power requirement is 2250 KW. The total parking spaces proposed are for 720 ECS. Total cost of the project is Rs. 130.00 Crores.

The above proposal was put up for consideration in the 62nd EAC meeting held on 26th - 28th June 2008, 67th meeting held on 23rd - 24th October, 2008 and again in the 69th meeting held on 22nd - 23rd December, 2008. The details submitted by the project proponent were discussed by the Committee.

All the points have been clarified. The Committee recommends the project for environmental clearance and awards 'Silver' grading to the project.

ADDRESS AT THE NATIONAL CONFERENCE OF MINISTERS NVIRONMENT & FORESTS 18 AUGUST 2009

rime Minister, Dr. Manmohan Singh, addressed the National rence of Ministers of Environment & Forests in New Delhi today.

ving is the text of the Prime Minister's address on the ion:

appy to have this opportunity to address this very important al Conference of State Ministers of Environment and Forests. an area which is of great national importance and I am very that I have this opportunity to meet such distinguished group of entatives of our people debating an issue of critical importance uture of our country.

ultiple environmental crises that confront our country have l in many ways an alarming situation. Climate change is ning our fragile ecosystems. We are staring at the prospect of ending drought. Water scarcity is becoming a way of life. n is a growing threat to our health and to our habitats.

enda before you is, therefore, wide ranging and of great critical nce. I think the first task is to educate people not just on the of the crisis we face but also to encourage deeper reflection on s obliges all of us to do. There are fundamental choices that we make about our lifestyles; about how we wish to produce and e, the things we ought to do and the things we ought not to do. ly believe that the greatest challenge facing humankind today allenge of arriving at a new equilibrium between man and

enges we face are not insurmountable. We are blessed with bounty but as a people, we also have a deep cultural to our environment. In fact, it was Smt. Indira Gandhi's vision of nature that led to the setting up of a Ministry of ent in the Government of India. She initiated Project Tiger in was instrumental in the enactment of legislations such as the otection Act and the Forest Conservation Act. These al measures were ahead of their times. It is this far- s, commitment and concern for our natural heritage that we oke as we deal with the challenges that confront us now.

nge is today a major global challenge. The world is ncerned about it. So are e. There should be no doubt in ind that we fully recogn not just how important this r country's future but o our own obligation to address it. cious of our responsibi s to both the present and the tions and we seek to lance the ecological sustainability

of our development path.

I seek your cooperation in making a success of the eight National Missions and other initiatives that are the key components of our National Action Plan on climate change. I would urge each State Government to create their own State level action plans consistent with the strategies in the national plans. We need much broader consultation with the States on this issue and I sincerely hope that this would be an important theme of this Conference.

There is a pressing need to modernize the existing Forest and Wildlife management system in our country. It is apparent that we have to modernize our forest departments with improved resources, communication and improved training of our personnel. I am concerned that there are a large number of positions of front line personnel lying vacant in many states in the Forests and Wildlife sector. I urge the Hon'ble Ministers of the concerned States to redress this situation on a priority basis.

Another critical issue is the need to ensure that local communities benefit from conservation so that they can be increasingly involved in the efforts of conservation. Our tribals are our environmental foot soldiers. They have guarded our forests and evolved a sophisticated way of living in harmony with nature over the centuries. Their wisdom and their experience should be utilised to preserve our forests, to nurse them rather than making them orphans of the environment. The tribal rights act is an opportunity to guarantee the legitimate rights of forest dwellers and to bring them in the frontline of the environment movement for regeneration.

The Green India campaign is a major initiative that will have many spin-off benefits. We need to quickly operationalise the Compensatory Afforestation Management and Planning Authority (CAMPA) by constituting State level authorities. I am very happy that Jairam has brought a new sense of purpose and earnestness to this department and what he has told us about the transfer of funds from the CAMPA account to the States is the forerunner of things to come of greater collaboration, cooperation between the Centre and the States. So, I congratulate Jairam for this initiative.

Our country is blessed with mighty rivers that are inextricably linked with our history, our religious beliefs, our culture and our customs of our people. It is a matter of great concern therefore that we have not been able to reverse the degradation of this very important natural inheritance.

We have decided to adopt a different and more holistic approach taking the river and not the city as the unit of planning as we have done until now. The essence of this approach is not just to focus on river pollution but more comprehensively on catchment area treatment, protection of

flood plains, ensuring ecological flows and restoration of the river ecosystem.

We have established the National Ganga River Basin Authority (NGRBA) as an empowered body under the Environment Protection Act, 1986. We hope that this model will be adopted for other major rivers in our country based on the experience we gain in its implementation. We have substantially increased the allocation for river conservation programme in this year's budget, including a special provision of Rs.250 crores for the river Ganga.

It is vital that institutional structures are set up by all States for synergizing the river conservation efforts at the national and state levels. States should explore mobilizing additional resources for river cleaning through innovative models like Special Purpose Vehicles. I would also request State Governments to effectively enforce legal provisions through State Pollution Control Boards to curtail the discharge of untreated industrial effluents that account for nearly 25% of the total pollution load in our river systems.

We are all aware of the adverse impact climate change would have on our coastal areas. The Coastal Management Zone (CMZ) Notification issued in the year 2008 has been thoroughly reviewed by a committee headed by Prof. M.S. Swaminathan. I understand that this report has suggested an integrated approach in coastal area management for Andaman & Nicobar Islands and also for Lakshadweep Islands. I suggest that the Island authorities work in close coordination with the Centre to evolve an integrated approach.

I wish to draw your attention to the view that environmental clearances have become a new form of Licence Raj and a source of corruption. This is a matter that needs to be addressed head-on. There are trade-offs that have to be made while balancing developmental and environmental concerns. But the procedures must be fair, transparent and hassle free. Decisions must be taken within a specified time.

I am told that some times there are discrepancies in the Environmental Impact Assessment Reports. The September, 2006 Notification of the Ministry of Environment and Forests is a major attempt to rationalize the system of giving mandatory environmental clearance. I hope that we can improve the system further in the light of the experience gained. I would urge all the States who have not yet established State EIA Authorities to do so at the very earliest. Effective coordination between the Union Ministry of Environment and Forests and the State Ministry is vital if we are to build a credible and efficient system of assessment and clearance.

The recent introduction of the National Green Tribunal Bill in Parliament is a positive step forward. This will strengthen environmental adjudication and settlement of disputes. We should

consider setting up a National Environment Protection Authority supported by regional Environment Protection Authorities.

In dealing with the challenge of climate change and environmental degradation we face the unfair burden of past mistakes not of our making. But, as we go forward in the march of development we have the opportunity not to repeat those past mistakes. Our growth strategy can be and should be innovative and different. It must be different. We are still at early stages of industrialization and urbanization. Our energy needs will increase sharply in the decades to come. We can and we must walk a different road, an environment friendly road.

For this we need access to new technologies that are already available with the developed countries. We must also make our own investments in new environment-friendly technologies. We need to strengthen the scientific foundations of our environment policies and strengthen our capacity to deal with the challenges that lie ahead. We must involve more stakeholders particularly our youth to lead the movement for environmental protection and regeneration.

I urge all of you to use your collective knowledge and wisdom and experience to seek new pathways to reverse the environmental degradation and resource depletion that threatens our economic security and well being. With these words, I wish your Conference all success. I thank you."

ANNEXURE 21

GOA STATE POLLUTION CONTROL BOARD
गोवा राज्य प्रदुषण नियंत्रण मंडल

91-832 2438567, 2438528
2438563 2438550
832-2438528

Dempo Towers, 1st Floor,
EDC Plaza Patto,
Panaji 403 001 Goa.

CONSENT TO ESTABLISH (NOC)

Order No. 5/ 4384 /09-PCB/2530 16/07/09

Consent to Establish a Residential project with Apartments and Club House under section 25(1)(a) of the Water (Prevention and Control of Pollution) Act, 1974 and under section 21 (1) of the Air (Prevention and Control of Pollution) Act, 1981.

1 Consent to Establish under section 25(1)(a) of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974) and under section 21 (1) of the Air (Prevention and Control of Pollution) Act, 1981 (as amended upto 1987 (Central Act 14 of 1981) and the rules and orders made there under is hereby granted to:

M/s Saravati Builders and Construction Pvt. Ltd.

hereinafter referred as 'the applicant', authorizing him / her / them to establish a unit / trade / activity at the below mentioned site:

Survey no. 43/1A, Village Daholim, Mormugao Goa.

2 This Consent to Establish is valid for the activity as mentioned below:

Sl.No	Description	Quantity/month
1.	Residential project consisting of 580 dwelling units and a club house	-

3 The unit should set up air pollution control system/s, effluent/ sewage treatment system/s, so as to meet the standards prescribed in Schedule I (Rule 3) of the Environment (Protection) Rules, 1986 for the relevant industry as well as for other parameters should meet the standards prescribed under the General standards of the said Rules.

The unit should obtain all permissions / approvals as require under the prevalent Rules / Acts in force.

The unit should obtain permission from the Forest Department Wild Life Board wherever applicable.

This Consent to Establish is valid upto commissioning of th above or three years which ever is earlier.

The applicant shall apply for Consents to Operate of the Boar as required under section 25(1) (b&c) of the Water (Preventio and Control of Pollution) Act, 1974 and under section 21 of th Air (Prevention and Control of Pollution) Act, 1981 in th prescribed application form, 45 days before commissioning of th plant

The applicant shall comply with all the conditions an instructions as provided in the GENERAL CONDITION annexed herewith.

Member Secretary
For GOA STATE POLLUTION CONTROL BOARD

avati Builders & Constructions Pvt. Ltd.
andscape Excelsior
Kala Academy
andodkar Marg,
al, Panaji Goa.

Concerned file
Guard file

INSPECTION REPORT

As directed by the Member secretary, the undersigned Keshav Fadke (JEE) and Anny Dias (SA) inspected the unit of M/s. Saravati Builders & Construction Pvt. Ltd. (Dabolim Apartments & Club House) in plot survey no 43/1A, Dabolim Villge, Mormugao Taluka, on 17/06/2009.

The following points were noted during the inspection:

- The unit has applied for Consent to Establish (NOC) for setting up a residential project including Apartments & Club House.
- No civil works of the said project have been started so far.
- The site is a hilly, sloping area with other residential buildings/bungalows in the vicinity of the site.
- The estimated wastewater generation is 410kld, which shall be treated in an STP of 450kld capacity. The treated wastewater shall be reused for flushing, landscaping and meeting the soft water requirement within the site.
- The unit proposes to do rain water harvesting.
- The unit proposes to set up four D.G. sets as stand-by power. Three D.G. sets shall be of 1010kva capacities, and one D.G. set shall be of 500kva capacity.
- Biodegradable waste generated in the unit shall be composted within the site, and non- Biodegradable waste shall be given to an authorized agency.

Keshav Fadke
(JEE)

Goa State Pollution Control Board
2-9C
30/06/09

Anny Dias
(SA)

Annexure 22

PLANNING AND DEVELOPMENT AUTHORITY
Commerce Centre, 2nd Floor,
VASCO-DA-GAMA, GOA – 403802
PHONE : 2513341, 2510215

ORDER

Ref No. MPDA/9-N-55/07-08/1114 Date: 25/09/2007

(Development Persmission Under SECTION 44 of the Town & Country Planning Act 1974)

Development Permission is granted for carrying out the Construction of Building, Construction of Compound Wall, Change of use of Building/Land: _____ as per the enclosed Plan / Plans in the property Zoned as: S-1 zone in O.D.P. and situated at Dabolim Village bearing Survery Number 43/1, Chalta No: _____, P.T. Sheet No: _____, Plot No. 1 _ , approved Sub Division reference Number/Deveopment Persmission No. MPDA/9-N-53/06-07/2163 dated 9/2/2007 on the following Conditions.

1) Any change to be effected in approved Pans, requires prior permission of this Authority.
2) Any change in the use of approved built up space, requires prior permission of thie Authority.
3) The permission granted shall be revoked, if any information, Plans, Calculations, Documents and any other accompaniments of the application are found incorrect or wrong at any stage after the grant of permission and the applicant will not entitled for any compensation.
4) The permission shall be revoked if it is found to be expedient to take any such action under provision of Section 50 of the Town and Country Planning Act.
5) The Development Permission will not entitle the application for making/laying any claim for Water and other connection from Government of Goa and this Authority.
6) The Developer/Applicant should display a pucca Hoarding/Sign Board (1x0.5 meters) with writeup in Black Colour on White Background at the site of Development, clearly indicating the Order No. With Date of this Authority readable from distant Point. In case of non-compliance, appropriate action shall be taken as per the provisions of the Town & Country Planning Act 1974.
7) The Applicants shall obtain the necessary Licnece/Approval etc. from Municipality/Panchayat as the case may be required under any Law in force before carrying out the Development.
8) The applicants should obtain CONVERSION SANAD under the Goa Daman & Dui Land Revenue Code 1968 before commencement of any Development/Construction in conformity with the permission granted by this Order.
9) The building sould be provided with sloping roff with Mangalore Type Tiles.
10) The soak pit should not be located within a Distance of 15 mts. From any existing Wall.
11) The commencement of the work shall be carried out under the supervision of the officials of this Authority and the Completion Certificate has to be obtained in the prescribed form 1V before applying for Occupancy Certificates from Licencing Authority.
12) Storm Water Drain should be constructed along the Boundary of the effective Plot abutting the road wherever it is necessary.

13) Adequate utility space for Dustbin, Transformer etc. should be reserved within the Plot area.
14) Permission from Chief Town Planner, Government of Goa shall be obtained before commencement of work in case of any hill cutting or slopy land having gradient of 1:10 or more, and filling of any 17 (A) of Town and Country Planning Act.
15) Traditional access and natural water drain if any passing through the property shall not be blocked and to be maintained to the satisfaction of local Authority.
16) Trees if any, shall be cut with prior permission from concerned Authority.
17) The opening of Compund Wall gates shall be inwards only.
18) If HT/LT electric lines is passing through the property, NOC from Electricity Dept. Shall be obtained, prior to putting the foundation of construction, democration of road alignment in case of sub-division of plots.
19) Licence Authority should confirm the ownership document prior to issue of construction licence.
20) In case of highrise buildings, NOC from Directors of Fire Fighting Service to be obtained by the applicant & produced along with application for completion certificate to this authority.
21) If the area is falling within the Funnel Zone, N.O.C. from the Civil Aviation Authority may be obtained and produced at the time of applying for completion certificate.
22) The development permission is issued based on the ODP 2011(revised) which is provisional subject to finalisation of ODP 2011 (revised)
23) Stilt parking shown on the plan shall be strictly maintained for parking of vehicles only.
24) Sewage treatment plant has to be completed before obtaining completion certificate.
25) This development permission is issued based on the NOC from the Executive Engineer (PWD) vide no.IX/2455/1201/06-07/ dated 5/2/2007 and from the A.E.(electricity Dept.)vide no. AE-II/VSG/Tech-1/924/06-07 date 05/12/06 and the letter from the Dy.Collector vide no.11/138/DYC/07/166 dated30/1/07 .
26) Garbage compost pit shown on the plan shall have to be constructed before the obtaining the completion certificate.

THIS PERMISSION IS VALID FOR THREE YEARS FROM THE DATE OF ISSUE.

Shri/Smt. _____refer your application under
Section 44, dated_____

(R.K.PANDITA)
MEMBER SECRETARY
M.P.D.A

To,
Shri/Smt._____

Copy to: The Chief Town Planner, Govt. of Goa for information.

PLANT MORE TREES AND KEEP THE ENVIRONMENT GREEN AND CLEAN.

PLANNING AND DEVELOPMENT AUTHORITY
Commerce Centre, 2nd Floor,
VASCO-DA-GAMA, GOA – 403802
PHONE : 2513341, 2510215

ORDER

Ref No. MPDA/9-N-56/07-08/1112 Date: 25/09/2007

(Development Persmission Under SECTION 44 of the Town & Country Planning Act 1974)

Development Permission is granted for carrying out the Construction of Building, Construction of Compound Wall, Change of use of Building/Land: _____ as per the enclosed Plan / Plans in the property Zoned as: S-1 in O.D.P. and situated at Dabolim Village bearing Survery Number 43/1, Chalta No: _____, P.T. Sheet No: _____, Plot No. 2, approved Sub Division reference Number/Deveopment Persmission No. MPDA/9-N-53/06-07/2163 dated 9/2/2007 on the following Conditions.

1) Any change to be effected in approved Pans, requires prior permission of this Authority.
2) Any change in the use of approved built up space, requires prior permission of thie Authority.
3) The permission granted shall be revoked, if any information, Plans, Calculations, Documents and any other accompaniments of the application are found incorrect or wrong at any stage after the grant of permission and the applicant will not entitled for any compensation.
4) The permission shall be revoked if it is found to be expedient to take any such action under provision of Section 50 of the Town and Country Planning Act.
5) The Development Permission will not entitle the application for making/laying any claim for Water and other connection from Government of Goa and this Authority.
6) The Developer/Applicant should display a pucca Hoarding/Sign Board (1x0.5 meters) with writeup in Black Colour on White Background at the site of Development, clearly indicating the Order No. With Date of this Authority readable from distant Point. In case of non-compliance, appropriate action shall be taken as per the provisions of the Town & Country Planning Act 1974.
7) The Applicants shall obtain the necessary Licnece/Approval etc. from Municipality/Panchayat as the case may be required under any Law in force before carrying out the Development.
8) The applicants should obtain CONVERSION SANAD under the Goa Daman & Dui Land Revenue Code 1968 before commencement of any Development/Construction in conformity with the permission granted by this Order.
9) The building sould be provided with sloping roff with Mangalore Type Tiles.
10) The soak pit should not be located within a Distance of 15 mts. From any existing Wall.
11) The commencement of the work shall be carried out under the supervision of the officials of this Authority and the Completion Certificate has to be obtained in the prescribed form 1V before applying for Occupancy Certificates from Licencing Authority.

12) Storm Water Drain should be constructed along the Boundary of the effective Plot abutting the road wherever it is necessary.
13) Adequate utility space for Dustbin, Transformer etc. should be reserved within the Plot area.
14) Permission from Chief Town Planner, Government of Goa shall be obtained before commencement of work in case of any hill cutting or slopy land having gradient of 1:10 or more, and filling of any 17 (A) of Town and Country Planning Act.
15) Traditional access and natural water drain if any passing through the property shall not be blocked and to be maintained to the satisfaction of local Authority.
16) Trees if any, shall be cut with prior permission from concerned Authority.
17) The opening of Compund Wall gates shall be inwards only.
18) If HT/LT electric lines is passing through the property, NOC from Electricity Dept. Shall be obtained, prior to putting the foundation of construction,democration of road alignment in case of sub-division of plots.
19) Licence Authority should confirm the ownership document prior to issue of construction licence.
20) In case of highrise buildings,NOC from Directors of Fire Fighting Service to be obtained by the applicant & produced along with application for completion certificate to this authority.
21) If the area is falling within the Funnel Zone, N.O.C. from the Civil Aviation Authority may be obtained and produced at the time of applying for completion certificate.
22) The development permission is issued based on the ODP 2011(revised) which is provisional subject to finalisation of ODP 2011 (revised)
23) Stilt parking shown on the plan shall be strictly maintained for parking of vehicles only.
24) Sewage treatment plant has to be completed before obtaining completion certificate.
25) This development permission is issued based on the NOC from the Executive Engineer (PWD) vide no.IX/2455/1201/06-07/ dated 5/2/2007 and from the A.E.(electricity Dept.)vide no. AE-II/VSG/Tech-1/924/06-07 date 05/12/06 and the letterfrom the Dy.Collector vide no.11/138/DYC/07/166 dated30/1/07 .
26) Garbage compost pit shown on the plan shall have to be constructed before the obtaining the completion certificate.

THIS PERMISSION IS VALID FOR THREE YEARS FROM THE DATE OF ISSUE.

Shri/Smt. _____refer your application under Section 44,dated_____

(R.K.PANDITA)
MEMBER SECRETARY
M.P.D.A

To,
Shri/Smt._____

Copy to: The Chief Town Planner, Govt. of Goa for information.

PLANT MORE TREES AND KEEP THE ENVIRONMENT GREEN AND CLEAN.

PLANNING AND DEVELOPMENT AUTHORITY
Commerce Centre, 2nd Floor,
VASCO-DA-GAMA, GOA – 403802
PHONE : 2513341, 2510215

ORDER

Ref No. MPDA/9-N-57/07-08/1116 Date: 25/09/2007

(Development Persmission Under SECTION 44 of the Town & Country Planning Act 1974)

Development Permission is granted for carrying out the Construction of Building, Construction of Compound Wall, Change of use of Building/Land: _____ as per the enclosed Plan / Plans in the property Zoned as: S-1 zone in O.D.P. and situated at Dabolim Village bearing Survery Number 43/1, Chalta No: _____, P.T. Sheet No: _____, Plot No. 3, approved Sub Division reference Number/Deveopment Persmission No. MPDA/9-N-53/06-07/2163 dated 9/2/2007 on the following Conditions.

1. Any change to be effected in approved Pans, requires prior permission of this Authority.
2. Any change in the use of approved built up space, requires prior permission of thie Authority.
3. The permission granted shall be revoked, if any information, Plans, Calculations, Documents and any other accompaniments of the application are found incorrect or wrong at any stage after the grant of permission and the applicant will not entitled for any compensation.
4. The permission shall be revoked if it is found to be expedient to take any such action under provision of Section 50 of the Town and Country Planning Act.
5. The Development Permission will not entitle the application for making/laying any claim for Water and other connection from Government of Goa and this Authority.
6. The Developer/Applicant should display a pucca Hoarding/Sign Board (1x0.5 meters) with writeup in Black Colour on White Background at the site of Development, clearly indicating the Order No. With Date of this Authority readable from distant Point. In case of non-compliance, appropriate action shall be taken as per the provisions of the Town & Country Planning Act 1974.
7. The Applicants shall obtain the necessary Licnece/Approval etc. from Municipality/Panchayat as the case may be required under any Law in force before carrying out the Development.
8. The applicants should obtain CONVERSION SANAD under the Goa Daman & Dui Land Revenue Code 1968 before commencement of any Development/Construction in conformity with the permission granted by this Order.
9. The building sould be provided with sloping roff with Mangalore Type Tiles.
10. The soak pit should not be located within a Distance of 15 mts. From any existing Wall.
11. The commencement of the work shall be carried out under the supervision of the officials of this Authority and the Completion Certificate has to be obtained in the prescribed form 1V before applying for Occupancy Certificates from Licencing Authority.

12. Storm Water Drain should be constructed along the Boundary of the effective Plot abutting the road wherever it is necessary.
13. Adequate utility space for Dustbin, Transformer etc. should be reserved within the Plot area.
14. Permission from Chief Town Planner, Government of Goa shall be obtained before commencement of work in case of any hill cutting or slopy land having gradient of 1:10 or more, and filling of any 17 (A) of Town and Country Planning Act.
15. Traditional access and natural water drain if any passing through the property shall not be blocked and to be maintained to the satisfaction of local Authority.
16. Trees if any, shall be cut with prior permission from concerned Authority.
17. The opening of Compund Wall gates shall be inwards only.
18. If HT/LT electric lines is passing through the property, NOC from Electricity Dept. Shall be obtained, prior to putting the foundation of construction,democration of road alignment in case of sub-division of plots.
19. Licence Authority should confirm the ownership document prior to issue of construction licence.
20. In case of highrise buildings,NOC from Directors of Fire Fighting Service to be obtained by the applicant & produced along with application for completion certificate to this authority.
21. If the area is falling within the Funnel Zone, N.O.C. from the Civil Aviation Authority may be obtained and produced at the time of applying for completion certificate.
22. The development permission is issued based on the ODP 2011(revised) which is provisional subject to finalisation of ODP 2011 (revised)
23. Stilt parking shown on the plan shall be strictly maintained for parking of vehicles only.
24. Sewage treatment plant has to be completed before obtaining completion certificate.
25. This development permission is issued based on the NOC from the Executive Engineer (PWD) vide no.IX/2455/1201/06-07/ dated 5/2/2007 and from the A.E.(electricity Dept.)vide no. AE-II/VSG/Tech-1/924/06-07 date 05/12/06 and the letterfrom the Dy.Collector vide no.11/138/DYC/07/166 dated30/1/07 .
26. Garbage compost pit shown on the plan shall have to be constructed before the obtaining the completion certificate.

THIS PERMISSION IS VALID FOR THREE YEARS FROM THE DATE OF ISSUE.

Shri/Smt. _____refer your application under Section 44, dated_____

(R.K.PANDITA)
MEMBER SECRETARY
M.P.D.A

To,
Shri/Smt._____

Copy to: The Chief Town Planner, Govt. of Goa for information.

PLANT MORE TREES AND KEEP THE ENVIRONMENT GREEN AND CLEAN.

PLANNING AND DEVELOPMENT AUTHORITY
Commerce Centre, 2nd Floor,
VASCO-DA-GAMA, GOA – 403802
PHONE : 2513341, 2510215

ORDER

Ref No. MPDA/9-N-53/07-08/854 Date: 25/09/2007

(Development Persmission Under SECTION 44 of the Town & Country Planning Act 1974)

Development Permission is granted for carrying out the Construction of Building, Construction of Compound Wall, Change of use of Building/Land: _____ as per the enclosed Plan / Plans in the property Zoned as: S-1 in O.D.P. and situated at Dabolim Village bearing Survery Number 43/1, Chalta No: _____, P.T. Sheet No: _____, Plot No. 4, approved Sub Division reference Number/Deveopment Persmission No. MPDA/9-N-53/06-07/2163 dated 9/2/2007 on the following Conditions.

1) Any change to be effected in approved Pans, requires prior permission of this Authority.
2) Any change in the use of approved built up space, requires prior permission of thie Authority.
3) The permission granted shall be revoked, if any information, Plans, Calculations, Documents and any other accompaniments of the application are found incorrect or wrong at any stage after the grant of permission and the applicant will not entitled for any compensation.
4) The permission shall be revoked if it is found to be expedient to take any such action under provision of Section 50 of the Town and Country Planning Act.
5) The Development Permission will not entitle the application for making/laying any claim for Water and other connection from Government of Goa and this Authority.
6) The Developer/Applicant should display a pucca Hoarding/Sign Board (1x0.5 meters) with writeup in Black Colour on White Background at the site of Development, clearly indicating the Order No. With Date of this Authority readable from distant Point. In case of non-compliance, appropriate action shall be taken as per the provisions of the Town & Country Planning Act 1974.
7) The Applicants shall obtain the necessary Licnece/Approval etc. from Municipality/Panchayat as the case may be required under any Law in force before carrying out the Development.
8) The applicants should obtain CONVERSION SANAD under the Goa Daman & Dui Land Revenue Code 1968 before commencement of any Development/Construction in conformity with the permission granted by this Order.
9) The building sould be provided with sloping roff with Mangalore Type Tiles.
10) The soak pit should not be located within a Distance of 15 mts. From any existing Wall.
11) The commencement of the work shall be carried out under the supervision of the officials of this Authority and the Completion Certificate has to be obtained in the prescribed form 1V before applying for Occupancy Certificates from Licencing Authority.

12) Storm Water Drain should be constructed along the Boundary of the effective Plot abutting the road wherever it is necessary.
13) Adequate utility space for Dustbin, Transformer etc. should be reserved within the Plot area.
14) Permission from Chief Town Planner, Government of Goa shall be obtained before commencement of work in case of any hill cutting or slopy land having gradient of 1:10 or more, and filling of any 17 (A) of Town and Country Planning Act.
15) Traditional access and natural water drain if any passing through the property shall not be blocked and to be maintained to the satisfaction of local Authority.
16) Trees if any, shall be cut with prior permission from concerned Authority.
17) The opening of Compund Wall gates shall be inwards only.
18) If HT/LT electric lines is passing through the property, NOC from Electricity Dept. Shall be obtained, prior to putting the foundation of construction,democration of road alignment in case of sub-division of plots.
19) Licence Authority should confirm the ownership document prior to issue of construction licence.
20) In case of highrise buildings,NOC from Directors of Fire Fighting Service to be obtained by the applicant & produced along with application for completion certificate to this authority.
21) If the area is falling within the Funnel Zone, N.O.C. from the Civil Aviation Authority may be obtained and produced at the time of applying for completion certificate.
22) The Development permission issued is based on the RODP 2011 which is provisional subject to finalisation of R-ODP 2011.
23) Stilt parking shown on the plan shall be strictly maintained for parking of vehicles only.
24) Sewage treatment plan has to be completed before obtaining completion certificate.

THIS PERMISSION IS VALID FOR THREE YEARS FROM THE DATE OF ISSUE.

Shri/Smt. _____refer your application under Section 44, dated_____.

(R.K.PANDITA)
MEMBER SECRETARY
M.P.D.A

To,
Shri/Smt._____

Copy to: The Chief Town Planner, Govt. of Goa for information.

PLANT MORE TREES AND KEEP THE ENVIRONMENT GREEN AND CLEAN.

Annexure 23

VILLAGE PANCHAYAT CHICALIM , MORMUGAO – GOA

YEAR 2007-08

DATE : 03-10-2007

Construction Licence No.VPC/2007-08/39/740

Mr. Vithal J. Naik & Mrs. Indira V. Naik, POA Holder Mr. Anand Chandra Bose having office at 801, 8th floor Anand Square Block B Nr. Sanjeevani Hospital, Baina, Vasco Vasco da Gama, is hereby granted this licence for the construction of group houses and Compound wall at Dabolim under Survey No. 43/1 Plot No.1 Village of Dabolim, in terms of Resolution No.2(1) in the Panchayat meeting dated 01.10.2007 as per the plans attached to their application under inward No. 763 of V.P. register dated 27.09.2007, one copy of the plans concerned with the approval note carrying the embossed seal of this Panchayat and duly signed, is returned to the interested party who shall comply with the following conditions:

1. To limit himself to the plans approved and statement therein.
2. The construction shall be as per plans approved by this Panchayat and condition imposed on it.
3. To inform the Panchayat after excavation and before lying of plinth level .
4. To inform the Panchayat when the construction has been completed upto plinth level
5. To inform the Panchayat as soon as the construction is completed.
6. Not to inhabit the building without the prior permission of this Panchayat.
7. To abide by the other related provision in force .
8. That building or construction is carried out as per the alignment given and the plinth level fixed by the Panchayat .
9. The construction licence shall be revoked :
   a) If the construction work is not executed as per plans approved and statements therein.
   b) Wherever there is false statement or any misrepresentation of any material /wrong plans/calculations/documents in any incorrect or wrong at any stage.
   c) If any of the conditions laid down on the licence are not abided with.
   d) If any dispute arises with respect to traditional access, Mundcarial issue & Tenancy issue at any stage
10. Construction should not block / obstruct any of the existing public traditional access and natural course of water flow drainage etc.
11. All the construction laid down by the Mormugao Planning & Dept. Authority of Mormugao of Vasco da Gama vide their approval Order No. MPDA/9-N-55/07-08/1114 dated 25.09.2007 should be strictly followed & maintained by the applicant.
12. Curing water should be used/treated to the household as per the Public Health Act.

13. Disposal of garbage should be looked by the construction licence holder/site for the disposal of garbage should be marked within the plot area itself.
14. All the migrant labourers should have valid health cards if engaged during the construction work.
15. All the conditions laid down by the Technical Officer vide their letter No. PWD8/IV/G.57/2329/2007-08 dated 26.09.2007 should be strictly followed & maintained by the applicant and the licence fees is collected as per the said evaluation certificate issued by Technical Officer.
16. All the conditions laid down by the Health Officer of Urban Health Centre, Vasco da Gama vide their NOC No. UHCV/NOC/07-08/647 dated 26.09.2007, should be strictly maintained & adhered by the applicant.

THE LICENCE SHALL BE VALID FOR A PERIOD OF THREE YEARS.

Beginning from today he has paid the respective processing fees the tune of Rs.3,65,350.00 (Rupees Three Lakhs Sixty Five Thousand Three Hundred Fifty only)

By Receipt No: 118/11 Date: 03.10.2007

(Pradeep Tamhanker)
Panchayat
Secretary

This carries the embossed seal of this
Office of Village Panchayat Chicalim

To,
Mr. Vithal J. Naik & Mrs. Indira V. Naik,
POA Holder Mr. Anand Chandra Bose,
801, 8th Floor, Near Sanjeevani Hospital
Baina, Vasco da Gama.

VILLAGE PANCHAYAT CHICALIM , MORMUGAO – GOA

YEAR 2007-08

DATE : 03-10-2007

Construction Licence No.VPC/2007-08/40/741

Mr. Vithal J. Naik & Mrs. Indira V. Naik, POA Holder Mr. Anand Chandra Bose having office at 801, 8th floor Anand Square Block B Nr. Sanjeevani Hospital, Baina, Vasco da Gama, is hereby granted this licence for the construction of group houses and Compound wall at Dabolim under Survey No. 43/1 Plot No.2 Village of Dabolim, in terms of Resolution No.2(2) in the Panchayat meeting dated 01.10.2007 as per the plans attached to their application under inward No. 764 of V.P. register dated 27.09.2007, one copy of the plans concerned with the approval note carrying the embossed seal of this Panchayat and duly signed, is returned to the interested party who shall comply with the following conditions:

1. To limit himself to the plans approved and statement therein.
2. The construction shall be as per plans approved by this Panchayat and conditions imposed on it.
3. To inform the Panchayat after excavation and before lying of plinth level .
4. To inform the Panchayat when the construction has been completed upto plinth level
5. To inform the Panchayat as soon as the construction is completed.
6. Not to inhabit the building without the prior permission of this Panchayat.
7. To abide by the other related provision in force.
8. That building or construction is carried out as per the alignment given and the plinth level fixed by the Panchayat.
9. The construction licence shall be revoked :
   a) If the construction work is not executed as per plans approved and statements therein.
   b) Wherever there is false statement or any misrepresentation of any material /wrong plans/calculations/documents in any incorrect or wrong at any stage.
   c) If any of the conditions laid down on the licence are not abided with.
   d) If any dispute arises with respect to traditional access, Mundcarial issue & Tenancy issue at any stage
10. Construction should not block / obstruct any of the existing public traditional access and natural course of water flow drainage etc.
11. All the construction laid down by the Mormugao Planning & Dept. Authority of Mormugao of Vasco da Gama vide their approval Order No. MPDA/9-N-56/07-08/1112 dated 25.09.2007 should be strictly followed & maintained by the applicant.
12. Curing water should be used/treated to the household as per the Public Health Act.

13. Disposal of garbage should be looked by the construction licence holder/site for the disposal of garbage should be marked within the plot area itself.
14. All the migrant labourers should have valid health cards if engaged during the construction work.
15. All the conditions laid down by the Technical Officer vide their letter No. PWD8/IV/G.57/2330/2007-08 dated 26.09.2007 should be strictly followed & maintained by the applicant and the licence fees is collected as per the said evaluation certificate issued by Technical Officer.
16. All the conditions laid down by the Health Officer of Urban Health Centre, Vasco da Gama vide their NOC No. UHCV/NOC/07-08/645 dated 26.09.2007, should be strictly maintained & adhered by the applicant.

THE LICENCE SHALL BE VALID FOR A PERIOD OF THREE YEARS.

Beginning from today he has paid the respective processing fees the tune of Rs.1,97,690.00 (Rupees One Lakh Ninety Seven Thousand Six Hundred Ninety only)

By Receipt No: 118/12 Date: 03.10.2007

(Pradeep Tamhanker)
Panchayat
Secretary

This carries the embossed seal of this Office of Village Panchayat Chicalim

To,
Mr. Vithal J. Naik & Mrs. Indira V. Naik,
POA Holder Mr. Anand Chandra Bose,
801, 8th Floor, Near Sanjeevani Hospital
Baina, Vasco da Gama.

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VILLAGE PANCHAYAT CHICALIM , MORMUGAO – GOA

YEAR 2007-08

DATE : 03-10-2007

Construction Licence No.VPC/2007-08/41/742

Mr. Vithal J. Naik & Mrs. Indira V. Naik, POA Holder Mr. Anand Chandra Bose having office at 801, 8th floor Anand Square Block B Nr. Sanjeevani Hospital, Baina, Vasco da Gama, is hereby granted this licence for the construction of group houses and Compound wall at Dabolim under Survey No. 43/1 Plot No.3 Village of Dabolim, in terms of Resolution No.2(3) in the Panchayat meeting dated 01.10.2007 as per the plans attached to their application under inward No. 765 of V.P. register dated 27.09.2007, one copy of the plans concerned with the approval note carrying the embossed seal of this Panchayat and duly signed, is returned to the interested party who shall comply with the following conditions:

1. To limit himself to the plans approved and statement therein.
2. The construction shall be as per plans approved by this Panchayat and condition imposed on it.
3. To inform the Panchayat after excavation and before lying of plinth level.
4. To inform the Panchayat when the construction has been completed upto plinth level
5. To inform the Panchayat as soon as the construction is completed.
6. Not to inhabit the building without the prior permission of this Panchayat.
7. To abide by the other related provision in force.
8. That building or construction is carried out as per the alignment given and the plinth level fixed by the Panchayat.
9. The construction licence shall be revoked :
   a) If the construction work is not executed as per plans approved and statements therein.
   b) Wherever there is false statement or any misrepresentation of any material /wrong plans/calculations/documents in any incorrect or wrong at any stage.
   c) If any of the conditions laid down on the licence are not abided with.
   d) If any dispute arises with respect to traditional access, Mundcarial issue & Tenancy issue at any stage
10. Construction should not block / obstruct any of the existing public traditional access and natural course of water flow drainage etc.
11. All the construction laid down by the Mormugao Planning & Dept. Authority of Mormugao of Vasco da Gama vide their approval Order No. MPDA/9-N-57/07-08/1116 dated 25.09.2007 should be strictly followed & maintained by the applicant.

12. Curing water should be used/treated to the household as per the Public Health Act.
13. Disposal of garbage should be looked by the construction licence holder/site for the disposal of garbage should be marked within the plot area itself.
14. All the migrant labourers should have valid health cards if engaged during the construction work.
15. All the conditions laid down by the Technical Officer vide their letter No. PWD8/IV/G.57/2328/2007-08 dated 26.09.2007 should be strictly followed & maintained by the applicant and the licence fees is collected as per the said evaluation certificate issued by Technical Officer.
16. All the conditions laid down by the Health Officer of Urban Health Centre, Vasco da Gama vide their NOC No. UHCV/NOC/07-08/646 dated 26.09.2007, should be strictly maintained & adhered by the applicant.

THE LICENCE SHALL BE VALID FOR A PERIOD OF THREE YEARS.

Beginning from today he has paid the respective processing fees the tune of Rs.2,68,150.00 (Rupees Two Lakhs Sixty Eight Thousand One Hundred Fifty only)

By Reciept No: 118/13 Date : 03.10.2007

(Pradeep Tamhanker) This carries the embossed seal of this Panchayat
Secretary Office of Village Panchayat Chicalim

To,
Mr. Vithal J. Naik & Mrs. Indira V. Naik,
POA Holder Mr. Anand Chandra Bose,
801, 8th Floor, Near Sanjeevani Hospital
Baina, Vasco da Gama.

VILLAGE PANCHAYAT CHICALIM , MORMUGAO – GOA

YEAR 2007-08

DATE : 03-10-2007

Construction Licence No.VPC/2007-08/42/743

Mr. Vithal J. Naik & Mrs. Indira V. Naik, POA Holder Mr. Anand Chandra Bose having office at 801, 8th floor Anand Square Block B Nr. Sanjeevani Hospital, Baina, Vasco Vasco da Gama, is hereby granted this licence for the construction of group houses and Compound wall at Dabolim under Survey No. 43/1 Plot No.4 Village of Dabolim, in terms of Resolution No.2(4) in the Panchayat meeting dated 01.10.2007 as per the plans attached to their application under inward No. 770 of V.P. register dated 27.09.2007, one copy of the plans concerned with the approval note carrying the embossed seal of this Panchayat and duly signed, is returned to the interested party who shall comply with the following conditions:

1. To limit himself to the plans approved and statement therein.
2. The construction shall be as per plans approved by this Panchayat and condition imposed on it.
3. To inform the Panchayat after excavation and before lying of plinth level .
4. To inform the Panchayat when the construction has been completed upto plinth level
5. To inform the Panchayat as soon as the construction is completed.
6. Not to inhabit the building without the prior permission of this Panchayat.
7. To abide by the other related provision in force .
8. That building or construction is carried out as per the alignment given and the plinth level fixed by the Panchayat.
9. The construction licence shall be revoked :
   a) If the construction work is not executed as per plans approved and statements therein.
   b) Wherever there is false statement or any misrepresentation of any material /wrong plans/calculations/documents in any incorrect or wrong at any stage.
   c) If any of the conditions laid down on the licence are not abided with.
   d) If any dispute arises with respect to traditional access, Mundcarial issue & Tenancy issue at any stage
10. Construction should not block / obstruct any of the existing public traditional access and natural course of water flow drainage etc.
11. All the construction laid down by the Mormugao Planning & Dept. Authority of Mormugao of Vasco da Gama vide their approval Order No. MPDA/9-N-53/07-08/854 dated 14.08.2007 should be strictly followed & maintained by the applicant.

12. Curing water should be used/treated to the household as per the Public Health Act.
13. Disposal of garbage should be looked by the construction licence holder/site for the disposal of garbage should be marked within the plot area itself.
14. All the migrant labourers should have valid health cards if engaged during the construction work.
15. All the conditions laid down by the Technical Officer vide their letter No. PWD8/IV/G.57/2320/2007-08 dated 20.09.2007 should be strictly followed & maintained by the applicant and the licence fees is collected as per the said evaluation certificate issued by Technical Officer.
16. All the conditions laid down by the Health Officer of Urban Health Centre, Vasco da Gama vide their NOC No. UHCV/NOC/07-08/632 dated 19.09.2007, should be strictly maintained & adhered by the applicant.

THE LICENCE SHALL BE VALID FOR A PERIOD OF THREE YEARS.

Beginning from today he has paid the respective processing fees the tune of Rs.3,94,410.00 (Rupees Three Lakhs Ninety Four Thousand Four Hundred & Ten only)

By Receipt No: 118/14 Date : 03.10.2007

(Pradeep Tamhanker) This carries the embossed seal of this Panchayat
Secretary Office of Village Panchayat Chicalim

To,
Mr. Vithal J. Naik & Mrs. Indira V. Naik,
POA Holder Mr. Anand Chandra Bose,
801, 8th Floor, Near Sanjeevani Hospital
Baina, Vasco da Gama.

ANNEXURE 24

MINUTES OF THE 134TH TOWN & COUNTRY PLANNING BOARD MEETING HELD ON 11/02/2009, AT 3.00 P.M. IN THE CONFERENCE HALL OF SECRETARIAT, PORVORIM, BARDEZ - GOA

The following attended the meeting:

1. Shri. Digambar Kamat Hon'ble Chief Minister/Minister for TCP	—	Chairman
2. Shri. Francisco Silveira Hon. M.L.A.	—	Member
3. Shri. Rajesh Patnekar Hon. M.L.A.	—	Member
4. Shri. Raajiv Yadhuvanshi Secretary (TCP)	—	Member
5. Shri. S.C. Vernekar Director of Fisheries	—	Member
6. Shri. Vinayak M. Khandeparkar Dy. Dir. of Agriculture Rep. of Dir. of Agriculture	—	Member
7. Shri. A.A. Bhosle Dy. Director of Transport Rep. Dir. of Transport	—	Member
8. Dr. G. Trinadh Kumar Dy. Conservator of Forests Rep. of Chief Conservator of Forests	—	Member
9. Shri. Bryan Soares Architect	—	Member
10. Shri. Datta Kare Engineer	—	Member
11. Shri. Datta Naik Rep. of Goa Chamber of Commerce & Industry	—	Member
12. Shri. Mauvin Godinho Chairman South Goa PDA	—	Invitee

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2/12/09

Town and Country Planning Dept.

13. Shri. Rahul Deshpande — Special Invitee
(Member Task Force on Regional Plan for Goa 2021)

14. Shri Morad Ahmad — Member Secretary
Chief Town Planner

The meeting scheduled at 3.00 P.M. was adjourned for want of quorum and the same started at 3.15 P.M. The Member Secretary brought to the notice of the Board that some members informed in writing/telephonically that they would not be able to attend the meeting. Chairman inquired about the Members absent. Secretary (Urban Development), Director of Planning, Statistics & Evaluation, Director of Tourism. Principal Chief Engineer (PWD), Director of Health Services and Flag Officer Commanding were granted the leave of absence by the Board.

Item No. 1: Formal confirmation of the Minutes of the 133rd meeting of the Town & Country Planning Board held on 29/9/2008 at 3.00 P.M., in the Conference Hall of Secretariat, Porvorim, Bardez – Goa.

The minutes of 133rd meeting were confirmed with following corrections:

(1) In the Item No. 8(b) of minutes of 133rd meeting, the sentence "which was approved by the TCP Board in its 131st meeting" should be read as "which was approved by the TCP Board in its 132nd meeting".

(2) In the list of members who attended the meeting, at Sr. No. 12, the name to be read as "Blaise Costabir".

(3) In the 131st, 132nd and 133rd meetings, wherever Sub-Committee's reports were presented to the TCP Board and the TCP Board agreed for the same, the sentence to be added as "The Board accepted the report of Sub-Committee".

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2/12/09

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Item No. 2: Action taken report on the items under 133rd meeting of TCP Board.

The Chairman/Hon. Chief Minister informed that in view of large number of requests from Village Panchayats as well as Institutions and public in general regarding the extension of time limit for receiving comments on Regional Plan for Goa-2021. he has agreed to extend it upto 15th April, 2009.

The Action Taken report on items under 133rd meeting of Town & Country Planning Board was placed before the TCP Board.

Item No. 3: Appeal filed by M/s. Saravati Builders & Constructions Private Limited V/s Mormugao Planning & Development Authority under Section 45 of the Goa Town and Country Planning Act, 1974. (File No. TP/B/APL/ 86/09).

The hearing on the matter was adjourned as the Respondent i.e. the Member Secretary of Mormugao PDA was not present. On telephonic inquiry it was informed that the Member Secretary was not keeping well. The matter was adjourned and shall be taken up in the ensuing meeting of TCP Board. The TCP Board decided that no further adjournment/date will be given and in case of failure of respondent to attend the matter it will be heard ex party and disposed off.

Item No. 4: Submission of the report of Sub-Committee on Filling of Agricultural Land for Agricultural Purposes.

The matter was discussed at length along with the comments of Town & Country Planning Department. After discussion it was decided that the members may go through the report circulated and forward their comments to the Chief Town Planner within a weeks time. The Chief Town Planner would reconvene the meeting of the Sub-Committee to prepare a comprehensive report considering TCP Department's comments as well as the comments received from the members/invitees of the TCP Board.

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29/2/09

PO/ASST

Town and Country Planning Dept.

MINUTES OF THE 135TH TOWN & COUNTRY PLANNING BOARD MEETING HELD ON 17th JULY, 2009 AT 11.00 A.M. IN THE CONFERENCE HALL OF SECRETARIAT, PORVORIM - GOA

The following were present:-

1. Shri Digamber Kamat Hon'ble Chief Minister	---	Chairman
2. Shri Raajiv Yaduvanshi Secretary (TCP)	---	Member
3. Shri K.S. Singh Secretary (UDD)	---	Member
4. Shri. Francisco Silveira Hon'ble M.L.A	---	Member
5. Shri Satish S.P. Tendulkar, Director of Agriculture	---	Member
5. Shri Swapnil Naik, Director of Tourism	---	Member
6. Dr. (Mrs) Rajnanda Desai, Director of Health Services	---	Member
7. Shri. A.M. Wachasundar Principal Chief Engineer, PWD	---	Member
8. Shri. Yogesh Conservator of Forests	---	Member, Rep. of CCF
9. Shri Datta Damodar Naik, Nominee, Goa Chamber of Commerce & Industry	---	Member, Rep. of GCCI
10. Shri. Bryan Soares, Architect	---	Member
11. Shri. Datta Kare Engineer	---	Member
12. Shri. D. Sreenivas (Cdr) (Navy), HQ Goa Naval Area	---	Member, Rep. Flag Officer Commanding

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Item No. 3: Appeal filed by M/s. Saravati Builders & Construction Private Limited V/s Mormugao Planning & Development Authority under Section 45 of the Goa Town and Country Planning Act, 1974. (File No.TP/B/APL/86/09).

As per the written submission of the Appellant, they are the owners of the plot No. 1,2,3 and 4 in Sy. Nos. 43/1-A, totally admeasuring 77,300 sq. mts. situated at Dabolim. Mormugao PDA had granted various development permissions under Section 44 of TCP Act 1974 in the said property in the name of earlier owner of the property which were subsequently transferred to Appellant.

On 1st September 2008, the appellants applied for revised plans in respect of amenities block, Plot Nos. 1,2,3 & 4 and for final NOC of sub-division. The applications received by Village Panchayat Chicalim on 2/9/08 were subsequently forwarded to Mormugao PDA who received it on 22/9/08, under intimation to the appellants.

A period in excess of 3 months lapsed since submission of the said applications and the respondents till the date of preferring appeal before the TCP Board, i.e. 19/01/09, had not passed any order under Section 44 of TCP Act.

Aggrieved by the Respondent not passing any order Appellant preferred an appeal before the TCP Board which was received by TCP Dept. on 24/12/08 and then on 19/1/09. The Board in its 134th meeting held on 11/2/09 had deferred the decision on the same as the respondent was not present, which was communicated to the appellant by Order No. TP/B/APL/86/TCP-09/1421, dtd. 16/4/09. Subsequently. by letter dtd. 01/05/09, received by TCP Dept., on 4/5/09, the appellant served notice regarding deemed approval u/s 45 of TCP Act, 1974, since within a period of 3 months after preferring the appeal, the appeal was not disposed off, as mandated u/s 45 of the TCP Act, 1974.

The Board was informed that the matter was referred to the Law Department. The opinion of Law Department was read out for the information of TCP Board as per which where the permission is deemed to have been granted to the petitioner, the said permission is subject to the compliance by the petitioner with the provisions of prevailing Regulations. Hence, any construction carried out by the appellant is

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required to be in accordance with the provisions of the prevailing Regulations and the same is to be ensured.

The Respondent could not submit any reasons for such non action by Mormugao PDA.

The Board, after hearing, decided to follow the opinion of the Law Department.

The TCP Board decided that the permission is deemed to have been granted to the appellant under Section 45 of the TCP Act, 1974 subject to the condition that the construction by the Appellant is to be in accordance with the provisions of the Regulations in force and the same is to be ensured by Mormugao Planning and Development Authority since the matter pertains to the jurisdiction of Mormugao Planning & Development Authority.

Item No. 4: Appeal filed by Mr. Bernard F. D'Souza V/s South Goa Planning & Development Authority under Section 45 of the Goa Town and Country Planning Act, 1974. (File No.TP/B/APL/88/09).

As per the written submission of the Appellant, the Appellant is the owner of the property bearing Chalta No. 1 of P.T. Sheet No. 117, Chalta No. 5 of P.T. Sheet No. 132 of Margao – Goa.

The Appellant has constructed a building under construction licence No. A/198/96-97, having garage and store room on the ground floor and office on the first floor.

The Appellant approached the Margao Municipal Council with a proposal to use the said garage and store room for Commercial purpose by an application dated 31/01/05.

Margao Municipal Council informed the Appellant by letter dtd. 25/9/06 to submit an approved plan from South Goa PDA for change of use from garage to commercial. The appellant made an application to South Goa PDA on 23/7/08.

The Respondent by letter dated 29/10/2008 informed Appellant that the Authority has refused permission for change of use as the front set back of 3 mts. is not available after the road widening of 20.0 mts. as per ODP of Margao.

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Town and Country Planning Dept.

Annexure

BEFORE THE TOWN AND COUNTRY PLANNING BOARD
STATE OF GOA AT PORVORIM

M/s. Saravati Builders &
Construction Pvt. Ltd.,
F2, Land Scape Excelsior, 1st Floor,
Campal, Panaji – Goa .... Appellant

V/S

Mormugao Planning and Development Authority
Commerce Centre
Near Old Bus Stand,
Vasco-da-Gama – Goa .... Respondent

Appeal under Section 45 of the Goa Town and Country Planning Act, 1974.

Appeal was heard by the Town and Country Planning Board in its 134th meeting held on 11.2.2009.

ORDER

The hearing on the matter was adjourned as the Respondent i.e. the Member Secretary of Mormugao PDA was not present. On telephonic inquiry it was informed that the Member Secretary was not keeping well. The matter was adjourned and shall be taken up in the ensuing meeting of TCP Board. The TCP Board decided that no further adjournment/date will be given and in case of failure of respondent to attend the matter it will be heard ex party and disposed off.

(Morad Ahmad)
Chief Town Planner &
Member Secretary, TCP Board

To,

1. M/s. Sarvati Builders &
Construction Pvt. Ltd.,
F2, Land Scape Excelsior, 1st Floor
Campal, Panaji – Goa.

2. Mormugao Planning and Development Authority
Commerce Centre
Near Old Bus Stand,
Vasco-do-Gama – Goa

Annexure 25

OFFICE OF THE VILLAGE PANCHAYAT CHICALIM
P.O. CHICALIM-MORMUGAO GOA 403 711

Ref No. VP/CHI/90/Final.Sub.Div/2009-10/671 Date: 10.07.2009

Sub: Development Permission "FINAL" for sub-division of land in The property bearing Survey No. 43/1 of plot Nos. 1, 2, 3 & 4 Village Dabolim, of Mormuga Taluka For Saravati Builders & constructions Private Limited

Ref: 1. Provisional NOC of V.P. Office, Chicalim No. VP/CHI/90/Sub.Div/2008-09/1600 Dated 30.08.2008.
2. Mormugao Planning & Development Authority Vasco Provisional NOC No. MPDA/9-S-33/08-09/887 dated 22.8.2008

Sir,

With reference to the above cited subject, the undersigned has no objection to accord you necessary Final N.O.C./development permission for the sub-division of land in the property bearing survey No. 43/1 for plot Nos. 1, 2, 3, 4 & Amenities of village Dabolim property zoned as S-1 as per the approved plan of the MPDA, with subject to the below mentioned conditions:-

1. The traditional access and natural water drain if any passing through the property shall not be blocked and to be maintained to the satisfaction of local authority.

2. As regards to the approval to be obtained from MPDA, Vasco which is further deemed to be approved under Section 44 of the Town & Country Planning Act which further deemed to be approved by the Planning Board constituted further it is deemed to be approved under Section 45 of the Town & Country Planning Act by the Planning Board constituted under the Law & on the basis of the legal opinion obtained & given by Adv. Zeller C. de Souza is considered by the Panchayat vide Resolution No. 8 (5) dated 09.07.2009.

3. If any dispute arises with respect to traditional access, Mundcarial issue & Tenancy issue at any stage, the same shall be resolved without any dispute.

4. This permission is liable to be revoked.
   a) If any information, plans, documents, calculations and any other accompaniments are found to be incorrect or wrong at any stage.
   b) Wherever there is any false statement or any misrepresentation of any material/wrong plans/calculations/documents in any way incorrect or wrong at any stage
   c) If any of the conditions from Sr. 1 to 3 are not abided & complied with.

5. All the other conditions laid down on the above mentioned on Provisional development permission issued by MPDA vide order No. MPDA/9-S-/33/08-09/887 dated 22.08.2008 from Sr. No. 1 to 22 should be strictly maintained and adhered, by the applicant.

This Final permission/NOC for the proposed sub-division of land is accorded to you in pursuance of this Panchayat Resolution No. 8(5) dated 09.07.2009 and on the basis of Affidavit filed by you on 09.07.2009 under Registration No. 11393/09 dated 9.07.2009 executed before the Notary Public Shri. Wilfred A.F. Boadita Notary Panaji State of Goa (India)

(Pradeep Tamhanker)
Secretary
V.P. Chicalim
Marmugao – Goa

To,
Saravati Builders & Constructions Private Limited,
Landscape Excelsior (1st Floor), Opp. Kala Academy,
D.B. Road, Campal, Panaji, Goa.

Annexure

OFFICE OF THE VILLAGE PANCHAYAT CHICALIM
P.O. CHICALIM – MORMUGAO GOA 403 711

Ref. No. VP/CHI/90/Final.Sub.Div/2009-10/757 Date: 21.07.2009

Sub: Development Permission "FINAL" for sub-division of land in The property bearing Survey No. 43/1 of plot Nos. 1, 2, 3 & 4 Village Dabolim, of Mormugao Taluka For Saravati Builders & constructions Private Limited

Ref: 1. Provisional NOC of V.P. Office, Chicalim No. VP/CHI/90/Sub.Div/2008-09/1600 Dated 30.08.2008.
2. Mormugao Planning & Development Authority Vasco Provisional NOC No. MPDA/9-S-33/08-09/887 dated 22.8.2008

Sir,

With reference to the above cited subject, the undersigned has no objection to accord you necessary Final N.O.C./development permission for the sub-division of land in the property bearing survey No. 43/1 for plot Nos. 1, 2, 3, 4 & Amenities of village Dabolim property zoned as S-1 as per the approved plan of the MPDA, with subject to the below mentioned conditions:-

1. The traditional access and natural water drain if any passing through the property shall not be blocked and to be maintained to the satisfaction of local authority.

2. All the roads shown on the subdivision plan may be treated as public road, open space and sub-division of roads shall not be encroached upon or blocked at any point of time.

3. As regards to the approval to be obtained from MPDA, Vasco which is further deemed to be approved under Section 44 of the Town and Country Planning Act which further deemed to be approved by the Planning Board constituted further it is deemed to be approved under Section 45 of the Town & Country Planning Act by the Planning Board constituted under the Law & on the basis of the legal opinion obtained & given by Adv. Zeller C. de Souza is considered by the Panchayat vide Resolution No. 8(5) dated 09.07.2009.

4. If any dispute arises with respect to traditional access, Mundcarial issue & Tenancy issue at any stage, the same shall be resolved without any dispute.

5. This permission is liable to be revoked.
   a) If any information, plans, documents, calculations and any other accompaniments are found to be incorrect or wrong at any stage.
   b) Wherever there is any false statement or any misrepresentation of any material/wrong plans/calculations/documents in any way incorrect or wrong at any stage.

c) If any of the conditions from Sr. 1 to 3 are not abided & complied with

6. All the other conditions laid down on the above mentioned on Provisional development permission issued by MPDA vide order No. MPDA/9-S/33/08-09/887 dated 22.08.2008 from Sr. No. 1 to 22 should be strictly maintained and adhered, by the applicant.

This Final permission/NOC for the proposed sub-division of land is accorded to you in pursuance of this Panchayat Resolution No. 8(5) dated 09.07.2009 and on the basis of Affidavit filed by you on 14.07.2009 under Registration No. Nil executed before the Notary Public Shri Wilfred A.F. Boadita Notary Panaji State of Goa (India)

(Pradeep Tamhanker)
Secretary
V.P. Chicalim
Marmugao – Goa

To,
Saravati Builders & Constructions Private Limited,
Landscape Excelsior (1st Floor), Opp. Kala Academy,
D.B. Road, Campal, Panaji, Goa.

Annexure 26

VILLAGE PANCHAYAT CHICALIM , MORMUGAO – GOA

YEAR 2009-10

DATE : 17-07-2009

Revised Construction Licence No.VP/CHI/2009-10/21/708

Ref: Construction licence No. VPC/2007-08/39/740 dated 03.10.2007

Saravati Builders & Construction Pvt. Ltd having an office at F-2, Landscape Excelsior (1st Floor) Opp. Kala Academy D.B. Road Campal, Panaji, is hereby granted this Revised construction licence for the construction of residential building & compound wall at Dabolim, in plot No. 1 under Survey 43/1A Village Dabolim of Marmugao Taluka, in terms of Resolution No.8(5) adopted in the Panchayat meeting dated 09.07.2009, as per the plans attached to their application under inward No. VPC/78 of V.P. register dated 28.04.2009, one copy of the plans concerned with the approval note carrying the embossed seal of this Panchayat and duly signed, is returned to the interested party who shall comply with the following conditions:

1. To limit himself to the plans approved and statement therein.
2. The construction shall be as per plans approved by this Panchayat and conditions imposed on it.
3. To inform the Panchayat after excavation and before lying of plinth level.
4. To inform the Panchayat when the construction has been completed upto plinth level
5. To inform the Panchayat as soon as the construction is completed.
6. Not to inhabit the building without the prior permission of this Panchayat.
7. To abide by the other related provision in force.
8. That building or construction is carried out as per the alignment given and the plinth level fixed by the Panchayat.
9. The construction licence shall be revoked :
   a) If the construction work is not executed as per plans approved and statements therein.
   b) Wherever there is false statement or any misrepresentation of any material /wrong plans/calculations/documents in any incorrect or wrong at any stage.
   c) If any of the conditions laid down on the licence are not abided with.
   d) If any dispute arises with respect to traditional access, Mundcarial issue & Tenancy issue at any stage
10. Construction should not block / obstruct any of the existing public traditional access and natural course of water flow drainage etc.
11. As regards to the approval to be obtained from MPDA, Vasco which is further deemed to be approved under Section 44 of the Town & Country Planning Act which further deemed to be approved by the Planning Board constituted further it is deemed to be approved under Section 45 of the Town & Country Planning

Act by the Planning Board constituted under the Law & on the basis of the legal opinion obtained & given by Adv. Zeller C. de Souza is considered by the Panchayat vide Resolution No. 5 (5) dated 09.07.2009.

12. All the conditions laid down by the Health Officer of Urban Health Centre, Vasco da Gama vide their NOC No. UHCV/NOC/09-10/201 dated 14.05.09, should be strictly maintained & adhered by the applicant.
13. Conversion of use of land (Sanad Order) letter No. 11/138/DYC/07/166 dated 30.01.2007 from the office of Dy. Collector/SDO, Mormugao Taluka, Vasco da Gama. (Exempting the conversion sanad) vide order No. 16/11/90/RD dated 20.02.2006.
14. All the conditions laid down by the Technical Officer, under their letter No. PWD8/IV/G.57/26/2009-10 dated 21.5.2009 should be strictly followed & maintained by the applicant and the licence fees is collected as per the said evaluation certificate issued by the Technical Officer.
15. All the conditions laid down by the Assistant Executive Engineer, Electricity Dept. vide their NOC No. AEE-II/VSG/Tech-01/109/09-10 dated 11.05.2009.
16. Curing water should be used/treated to the household as per the public health Act.
17. Disposal of garbage should be looked by the construction licence holder/site for the disposal of garbage should be earmarked within the plot area itself.
18. All the migrant labourers should have valid health cards if engaged during the construction work.
19. All the conditions laid down on the construction licence No. VPC/2007-08/39/740 dated 03.10.2007 and No. VPC/2007-08/63/1124 dated 18.12.2007 are also to be abided with.

THE LICENCE SHALL BE VALID FOR A PERIOD OF THREE YEARS.

Beginning from today he has paid the respective difference in licence fees of Rs. 47950.00 (Rupees Forty Seven Thousand Nine Hundred Fifty only)

By Receipt No: 171/87 Date : 17.07.2009

This carries the embossed seal of this Panchayat
Office of Village Panchayat Chicalim

(Pradeep Tamhanker)
Secretary

Annexure

VILLAGE PANCHAYAT CHICALIM , MORMUGAO – GOA

YEAR 2009-10

DATE : 17-07-2009

Revised Construction Licence No.VP/CHI/2009-10/22/709

Ref: Construction licence No. VPC/2007-08/40/741 dated 03.10.2007

Saravati Builders & Construction Pvt. Ltd having an office at F-2, Landscape Excelsior (1st Floor) Opp. Kala Academy D.B. Road Campal, Panaji, is hereby granted this Revised construction licence for the construction of residential building & compound wall at Dabolim, in plot No. 2 under Survey 43/1A Village Dabolim of Marmugao Taluka, in terms of Resolution No.8(5) adopted in the Panchayat meeting dated 09.07.2009, as per the plans attached to their application under inward No. VPC/78 of V.P. register dated 28.04.2009, one copy of the plans concerned with the approval note carrying the embossed seal of this Panchayat and duly signed, is returned to the interested party who shall comply with the following conditions:

1. To limit himself to the plans approved and statement therein.
2. The construction shall be as per plans approved by this Panchayat and conditions imposed on it.
3. To inform the Panchayat after excavation and before lying of plinth level.
4. To inform the Panchayat when the construction has been completed upto plinth level
5. To inform the Panchayat as soon as the construction is completed.
6. Not to inhabit the building without the prior permission of this Panchayat.
7. To abide by the other related provision in force.
8. That building or construction is carried out as per the alignment given and the plinth level fixed by the Panchayat.
9. The construction licence shall be revoked :

a) If the construction work is not executed as per plans approved and statements therein.

b) Wherever there is false statement or any misrepresentation of any material /wrong plans/calculations/documents in any incorrect or wrong at any stage.

c) If any of the conditions laid down on the licence are not abided with.

d) If any dispute arises with respect to traditional access, Mundcarial issue & Tenancy issue at any stage

10. Construction should not block / obstruct any of the existing public traditional access and natural course of water flow drainage etc.

11. As regards to the approval to be obtained from MPDA, Vasco which is further deemed to be approved under Section 44 of the Town & Country Planning Act which further deemed to be approved by the Planning Board constituted further it is deemed to be approved under Section 45 of the Town & Country Planning Act by the Planning Board constituted under the Law & on the basis of the legal opinion obtained & given by Adv. Zeller C. de Souza is considered by the Panchayat vide Resolution No. 5 (5) dated 09.07.2009.
12. All the conditions laid down by the Health Officer of Urban Health Centre, Vasco da Gama vide their NOC No. UHCV/NOC/09-10/202 dated 14.05.09, should be strictly maintained & adhered by the applicant.
13. Conversion of use of land (Sanad Order) letter No. 11/138/DYC/07/166 dated 30.01.2007 from the office of Dy. Collector/SDO, Mormugao Taluka, Vasco da Gama. (Exempting the conversion sanad) vide order No. 16/11/90/RD dated 20.02.2006.
14. All the conditions laid down by the Technical Officer, under their letter No. PWD8/IV/G.57/27/2009-10 dated 21.5.2009 should be strictly followed & maintained by the applicant and the licence fees is collected as per the said evaluation certificate issued by the Technical Officer.
15. All the conditions laid down by the Assistant Executive Engineer, Electricity Dept. vide their NOC No. AEE-II/VSG/Tech-01/110/09-10 dated 11.05.2009.
16. Curing water should be used/treated to the household as per the public health Act.
17. Disposal of garbage should be looked by the construction licence holder/site for the disposal of garbage should be earmarked within the plot area itself.
18. All the migrant labourers should have valid health cards if engaged during the construction work.
19. All the conditions laid down on the construction licence No. VPC/2007-08/39/741 dated 03.10.2007 and No. VPC/2007-08/64/1125 dated 18.12.2007 are also to be abided with.

THE LICENCE SHALL BE VALID FOR A PERIOD OF THREE YEARS.

Beginning from today he has paid the respective difference in licence fees of Rs. 213620.00 (Rupees Two Lakhs Thirteen Thousand Six Hundred and Twenty only)

By Receipt No: 171/88 Date: 17.07.2009

This carries the embossed seal of this Panchayat
Office of Village Panchayat Chicalim

(Pradeep Tamhanker)
Secretary

Annexure

VILLAGE PANCHAYAT CHICALIM , MORMUGAO – GOA

YEAR 2009-10

DATE : 17-07-2009

Revised Construction Licence No.VP/CHI/2009-10/23/710

Ref: Construction licence No. VPC/2007-08/41/742 dated 03.10.2007

Saravati Builders & Construction Pvt. Ltd having an office at F-2, Landscape Excelsior (1st Floor) Opp. Kala Academy D.B. Road Campal, Panaji, is hereby granted this Revised construction licence for the construction of residential building & compound wall at Dabolim, in plot No. 3 under Survey 43/1A Village Dabolim of Marmugao Taluka, in terms of Resolution No.8(5) adopted in the Panchayat meeting dated 09.07.2009, as per the plans attached to their application under inward No. VPC/78 of V.P. register dated 28.04.2009, one copy of the plans concerned with the approval note carrying the embossed seal of this Panchayat and duly signed, is returned to the interested party who shall comply with the following conditions:

1. To limit himself to the plans approved and statement therein.
2. The construction shall be as per plans approved by this Panchayat and conditions imposed on it.
3. To inform the Panchayat after excavation and before lying of plinth level.
4. To inform the Panchayat when the construction has been completed upto plinth level
5. To inform the Panchayat as soon as the construction is completed.
6. Not to inhabit the building without the prior permission of this Panchayat.
7. To abide by the other related provision in force.
8. That building or construction is carried out as per the alignment given and the plinth level fixed by the Panchayat.
9. The construction licence shall be revoked :
   a) If the construction work is not executed as per plans approved and statements therein.
   b) Wherever there is false statement or any misrepresentation of any material /wrong plans/calculations/documents in any incorrect or wrong at any stage.
   c) If any of the conditions laid down on the licence are not abided with.
   d) If any dispute arises with respect to traditional access, Mundcarial issue & Tenancy issue at any stage
10. Construction should not block / obstruct any of the existing public traditional access and natural course of water flow drainage etc.

11. As regards to the approval to be obtained from MPDA, Vasco which is further deemed to be approved under Section 44 of the Town & Country Planning Act which further deemed to be approved by the Planning Board constituted further it is deemed to be approved under Section 45 of the Town & Country Planning Act by the Planning Board constituted under the Law & on the basis of the legal opinion obtained & given by Adv. Zeller C. de Souza is considered by the Panchayat vide Resolution No. 5 (5) dated 09.07.2009.
12. All the conditions laid down by the Health Officer of Urban Health Centre, Vasco da Gama vide their NOC No. UHCV/NOC/09-10/203 dated 14.05.09, should be strictly maintained & adhered by the applicant.
13. Conversion of use of land (Sanad Order) letter No. 11/138/DYC/07/166 dated 30.01.2007 from the office of Dy. Collector/SDO, Mormugao Taluka, Vasco da Gama. (Exempting the conversion sanad) vide order No. 16/11/90/RD dated 20.02.2006.
14. All the conditions laid down by the Technical Officer, under their letter No. PWD8/IV/G.57/28/2009-10 dated 21.5.2009 should be strictly followed & maintained by the applicant and the licence fees is collected as per the said evaluation certificate issued by the Technical Officer.
15. All the conditions laid down by the Assistant Executive Engineer, Electricity Dept. vide their NOC No. AEE-II/VSG/Tech-01/111/09-10 dated 11.05.2009.
16. Curing water should be used/treated to the household as per the public health Act.
17. Disposal of garbage should be looked by the construction licence holder/site for the disposal of garbage should be earmarked within the plot area itself.
18. All the migrant labourers should have valid health cards if engaged during the construction work.
19. All the conditions laid down on the construction licence No. VPC/2007-08/41/742 dated 03.10.2007 and No. VPC/2007-08/65/1126 dated 18.12.2007 are also to be abided with.

THE LICENCE SHALL BE VALID FOR A PERIOD OF THREE YEARS.

Beginning from today he has paid the respective difference in licence fees of Rs. 135010.00 (Rupees One Lakh Thirty Five Thousand Ten only)

By Receipt No: 171/89 Date: 17.07.2009

(Pradeep Tamhanker)
Secretary

Annexure

VILLAGE PANCHAYAT CHICALIM , MORMUGAO – GOA

YEAR 2009-10

DATE : 17-07-2009

Revised Construction Licence No.VP/CHI/2009-10/24/711

Ref: Construction licence No. VPC/2007-08/42/743 dated 03.10.2007

Saravati Builders & Construction Pvt. Ltd having an office at F-2, Landscape Excelsior (1st Floor) Opp. Kala Academy D.B. Road Campal, Panaji, is hereby granted this Revised construction licence for the construction of residential building & compound wall at Dabolim, in plot No. 4 under Survey 43/1A Village Dabolim of Marmugao Taluka, in terms of Resolution No.8(5) adopted in the Panchayat meeting dated 09.07.2009, as per the plans attached to their application under inward No. VPC/78 of V.P. register dated 28.04.2009, one copy of the plans concerned with the approval note carrying the embossed seal of this Panchayat and duly signed, is returned to the interested party who shall comply with the following conditions:

1. To limit himself to the plans approved and statement therein.
2. The construction shall be as per plans approved by this Panchayat and conditions imposed on it.
3. To inform the Panchayat after excavation and before lying of plinth level.
4. To inform the Panchayat when the construction has been completed upto plinth level
5. To inform the Panchayat as soon as the construction is completed.
6. Not to inhabit the building without the prior permission of this Panchayat.
7. To abide by the other related provision in force.
8. That building or construction is carried out as per the alignment given and the plinth level fixed by the Panchayat.
9. The construction licence shall be revoked :
   a) If the construction work is not executed as per plans approved and statements therein.
   b) Wherever there is false statement or any misrepresentation of any material /wrong plans/calculations/documents in any incorrect or wrong at any stage.
   c) If any of the conditions laid down on the licence are not abided with.
   d) If any dispute arises with respect to traditional access, Mundcarial issue & Tenancy issue at any stage
10. Construction should not block / obstruct any of the existing public traditional access and natural course of water flow drainage etc.
11. As regards to the approval to be obtained from MPDA, Vasco which is further deemed to be approved under Section 44 of the Town & Country Planning Act which further deemed to be approved by the Planning Board constituted further it is deemed to be approved under Section 45 of the

Town & Country Planning Act by the Planning Board constituted under the Law & on the basis of the legal opinion obtained & given by Adv. Zeller C. de Souza is considered by the Panchayat vide Resolution No. 5 (5) dated 09.07.2009.

12. All the conditions laid down by the Health Officer of Urban Health Centre, Vasco da Gama vide their NOC No. UHCV/NOC/09-10/204 dated 14.05.09, should be strictly maintained & adhered by the applicant.
13. Conversion of use of land (Sanad Order) letter No. 11/138/DYC/07/166 dated 30.01.2007 from the office of Dy. Collector/SDO, Mormugao Taluka, Vasco da Gama. (Exempting the conversion sanad) vide order No. 16/11/90/RD dated 20.02.2006.
14. All the conditions laid down by the Technical Officer, under their letter No. PWD8/IV/G.57/29/2009-10 dated 21.5.2009 should be strictly followed & maintained by the applicant and the licence fees is collected as per the said evaluation certificate issued by the Technical Officer.
15. All the conditions laid down by the Assistant Executive Engineer, Electricity Dept. vide their NOC No. AEE-II/VSG/Tech-01/112/09-10 dated 11.05.2009.
16. Curing water should be used/treated to the household as per the public health Act.
17. Disposal of garbage should be looked by the construction licence holder/site for the disposal of garbage should be earmarked within the plot area itself.
18. All the migrant labourers should have valid health cards if engaged during the construction work.
19. All the conditions laid down on the construction licence No. VPC/2007-08/42/743 dated 03.10.2007 and No. VPC/2007-08/66/1127 dated 18.12.2007 are also to be abided with.

THE LICENCE SHALL BE VALID FOR A PERIOD OF THREE YEARS.

Beginning from today he has paid the respective difference in licence fees of Rs. 75260.00 (Rupees Seven Five Thousand Two Hundred Sixty only)

By Receipt No: 171/92 Date : 17.07.2009

This carries the embossed seal of this Panchayat
Office of Village Panchayat Chicalim

(Pradeep Tamhanker)
Secretary

Annexure

VILLAGE PANCHAYAT CHICALIM , MORMUGAO – GOA

YEAR 2009-10

DATE : 17-07-2009

Revised Construction Licence No.VP/CHI/2009-10/25/712

Saravati Builders & Construction Pvt. Ltd having an office at F-2, Landscape Excelsior (1st Floor) Opp. Kala Academy D.B. Road Campal, Panaji, is hereby granted this Revised construction licence for the construction of residential building & compound wall at Dabolim, under Survey 43/1A Village Dabolim of Marmugao Taluka, in terms of Resolution No.8(5) adopted in the Panchayat meeting dated 09.07.2009, as per the plans attached to their application under inward No. VPC/78 of V.P. register dated 28.04.2009, one copy of the plans concerned with the approval note carrying the embossed seal of this Panchayat and duly signed, is returned to the interested party who shall comply with the following conditions:

1. To limit himself to the plans approved and statement therein.
2. The construction shall be as per plans approved by this Panchayat and conditions imposed on it.
3. To inform the Panchayat after excavation and before lying of plinth level.
4. To inform the Panchayat when the construction has been completed upto plinth level
5. To inform the Panchayat as soon as the construction is completed.
6. Not to inhabit the building without the prior permission of this Panchayat.
7. To abide by the other related provision in force.
8. That building or construction is carried out as per the alignment given and the plinth level fixed by the Panchayat.
9. The construction licence shall be revoked :
   a) If the construction work is not executed as per plans approved and statements therein.
   b) Wherever there is false statement or any misrepresentation of any material /wrong plans/calculations/documents in any incorrect or wrong at any stage.
   c) If any of the conditions laid down on the licence are not abided with.
   d) If any dispute arises with respect to traditional access, Mundcarial issue & Tenancy issue at any stage
10. Construction should not block / obstruct any of the existing public traditional access and natural course of water flow drainage etc.
11. As regards to the approval to be obtained from MPDA, Vasco which is further deemed to be approved under Section 44 of the Town & Country Planning Act which further deemed to be approved by the Planning Board constituted further it is deemed to be approved under Section 45 of the Town & Country Planning Act by the Planning Board constituted under the Law & on the basis of the

legal opinion obtained & given by Adv. Zeller C. de Souza is considered by the Panchayat vide Resolution No. 5 (5) dated 09.07.2009.

12. All the conditions laid down by the Health Officer of Urban Health Centre, Vasco da Gama vide their NOC No. UHCV/NOC/09-10/205 dated 14.05.09, should be strictly maintained & adhered by the applicant.
13. Conversion of use of land (Sanad Order) letter No. 11/138/DYC/07/166 dated 30.01.2007 from the office of Dy. Collector/SDO, Mormugao Taluka, Vasco da Gama. (Exempting the conversion sanad) vide order No. 16/11/90/RD dated 20.02.2006.
14. All the conditions laid down by the Technical Officer, under their letter No. PWD8/IV/G.57/30/2009-10 dated 21.5.2009 should be strictly followed & maintained by the applicant and the licence fees is collected as per the said evaluation certificate issued by the Technical Officer.
15. All the conditions laid down by the Assistant Executive Engineer, Electricity Dept. vide their NOC No. AEE-II/VSG/Tech-01/108/09-10 dated 11.05.2009.
16. Curing water should be used/treated to the household as per the public health Act.
17. Disposal of garbage should be looked by the construction licence holder/site for the disposal of garbage should be earmarked within the plot area itself.
18. All the migrant labourers should have valid health cards if engaged during the construction work.

THE LICENCE SHALL BE VALID FOR A PERIOD OF THREE YEARS.

Beginning from today he has paid the respective difference in licence fees of Rs. 105070.00 (Rupees One Lakh Five Thousand Seventy only)

By Receipt No: 171/93 Date: 17.07.2009

This carries the embossed seal of this Panchayat
Office of Village Panchayat Chicalim

(Pradeep Tamhanker)
Secretary

Annexure 27

REVISED GUIDEINES FOR IMPLEMENTATION OF SECTION 17 A OF THE GOA TOWN AND COUNTRY PLANNING ACT, 1997

A) GUIDELINES FOR CUTTING OF HILL SLOPES

1. No development shall be permitted on a site having a slope of more than 25% which is to be calculated with reference to the bench mark.

25% = 14° - see page 125

2. From 10% to 20% slope
The permission for alteration of slope would depend on site condition, so as to allow cutting or filling in a manner to make the site most suitable for development. In case of provision for cutting the provision has to be necessarily allowed in terrace formation, where maximum cutting shall be restricted to 2 to 2.5 mts for a terrace of 10 to 15 mts width.
However, the same could be adjusted accordingly if the site less than 10 mts along the slope.
In case of development of road the maximum permissible gradient of 1:10, which is to be strictly observed and longitudinal and vertical sections of the road are to be seen for grant of permission.
Note: Retaining wall or dressing of slope in suitable inclines so as to halt any destabilization.

3. From 20% to 25% slope.
The slope of hill cutting/excavation is limited to the digging for foundation/footing and opening of foundation and for providing drain, drainage channels, soakpit, septic tank, water pipelines, electric lines or any other cables, storage like water pump, digging of well and access and pitching.

Certain areas hills/slopes may not be allowed for cutting. Areas having exceptional natural beauty, vegetation or dense trees etc. may have to be retained.
Requirement for the applicant to submit for such permission when asked permission for construction/sub-division or independent development.

1. Contour plan (interval 1 mts)
2. Survey Plan
3. Ownership document
4. Longitudiness and cross section to explain the proposals of road, retaining wall etc, including building if any.
   1:500 plan 1:200
5. Photographs of the sites (with dates) certified
6. The applicant shall submit the drains showing the existing natural/artificial drains pattern with details. The applicant shall show the alternate drainage pattern with special reference to the linkage to the adjacent existing drainage system. The length and breath with volumes of water pan shall also be indicated.

(B) GUIDELINES FOR PERMITTING FILLING UP OF LOW LYING LAND

1. Filling up of "Low lying land" having a depth of 50 cms or more below the adjoining land (adjoining land will be depend on the site condition it could be a road or nearby land) is only to be dealt under the provisions of 17 A of Goa Town and Country Planning Act.
2. If the filling up involves damaging of mangroves then it will not be allowed.
3. If the filling up involves drainage channel, spring, water body, water course, etc. Consultation with the Irrigation Department will be essential.
4. In general khazan lands will not be allowed to be filled up.
5. Morod paddy fields, bharads, scrub jungles, etc may be allowed to be filled up if the general gradient of such lands is between 15% to 25%.
6. Garden lands of specialized crops as bettlenuts, medicinal/herbal plants is not be allowed to be filled up.
7. Irrigated crops lands will not be allowed, without the approval of the Town Planning Board.

(C) GUIDELINES FOR MINING AREAS

In case of cutting in mining areas for major or minor minerals approved by the competent Mining Authority the officer authorized for permission under this Act will abide by the conditions to which the Mining (lease grant) is subjected to.

In case of coastal and reverine stretches the filling will be permissible subject to the guidelines/notifications issued under the Environment Protection Act 1986. The provision of the said Rules would also apply in case of monadnock or an isolated hill be sought to be cut within the coastal zone subject to the Act.

BENCH MARK: is a mark which is for the reference for the further survey of the area under reference.

Information made available under
Right to Information Act 2005

PIO/APIO
Town and Country Planning Dept

Annexure 28

Ref No: 17A/MOR/257/TLP-09/3142
Town & Country Planning Dept.
Dempo Tower, 2nd Floor,
Patto Plaza, Panaji – Goa.
Date: 2.9.09

To,
Saravathi Builders and Constructions Pvt. Ltd
F-2 Landscape Excelsior, 1st Floor
Opp. Kala Academy
D.B. Road, Campal
Panaji, Goa 403 002

Sub: Application for issue of NOC for cutting of land for roads and digging of foundation pits, trenches, retaining wall under 17-A of the Town and Country Planning Act, 1974m, in property bearing survey No. 43/1-A, Plots No. 1, 2, 3, 4 and Amenities Block at Village Dabolim, Mormugao Taluka

Ref: 1. Your Application dated 4.6.2009 received under Inward no. 8164 on 5.6.2009

Whereas development permission for Final sub-division has been issued by the Village Panchayat Chicalim vide letter No. VP/CHI/90/Final Sub-Div/2009-10/671 dated 10.7.2009 for the property surveyed under survey No. 43/1 for Plot No. 1, 2, 3 and 4 of village Dabolim, Mormugao, Goa.

Whereas, revised Construction License No. VP/CHI/2009-10/21/708 on 17.7.2009 has been issued by the Village Panchayat of Chicalim, Mormugao for construction of residential building and compound wall at Plot No. 1 under survey No. 43/1-A at Dabolim Village, Mormugao, Goa.

Whereas revised Construction License No. VP/CHI/2009-10/21/709 on 17.7.2009 has been issued by the Village Panchayat of Chicalim, Mormugao for construction of residential building and compound wall at Plot No. 2 under survey No. 43/1-A at Dabolim Village, Mormugao, Goa.

Whereas revised Construction License No. VP/CHI/2009-10/21/710 on 17.7.2009 has been issued by the Village Panchayat of Chicalim, Mormugao for construction of residential building and compound wall at Plot No. 3 under survey No. 43/1-A at Dabolim Village, Mormugao, Goa.

Whereas revised Construction License No. VP/CHI/2009-10/21/711 on 17.7.2009 has been issued by the Village Panchayat of Chicalim, Mormugao for construction of residential building and compound wall at Plot No. 4 under survey No. 43/1-A at Dabolim Village, Mormugao, Goa.

Whereas revised Construction License No. VP/CHI/2009-10/21/712 on 17.7.2009 has been issued by the Village Panchayat of Chicalim, Mormugao for construction of building and compound wall at Amenities Block under survey No. 43/1-A at Dabolim Village, Mormugao, Goa.

Whereas, the Dy. Collector vide letter no. 11/138/DYC/07/166 dtd. 30/01/2007 has issued a letter exempting Survey no. 43/1 of Village Dabolim, Mormugao Taluka from the operation of provision of section 32 Land Revenue Code.

Therefore, with reference to the above mentioned subject, in view of the NOC's granted, by various departments/Authorities referred above, this is to inform you that the permission is

Given . const. licence

granted under Section 17-A of the Town and Country Planning Act, 1974 for cutting of sloppy land in property bearing survey No. 43/1-A, Plots No. 1, 2, 3, 4 and Amenities Block situated at Dabolim village, Mormugao-Taluka, for the proposed cutting of land for roads and digging of foundation pits, trenches, retaining wall as per the following conditions:-

1. Cutting of the land shall be carried out only for the land under survey No. 43/1-A, Plots No. 1, 2, 3, 4 and Amenities Block, situated at Dabolim village, Mormugao-Taluka as mentioned above as per the drawing annexed bearing reference No. of this permission.
2. Proper drainage shall be ensured on the land in conformity to the existing drainage network for free flow of water.
3. The permission is liable to be revoked if it is based on false information, wrong contour plans/calculations/documents, any other accompaniments of the Applications are found to be incorrect or wrong at any stage.
4. The permission obtained under Section 17-A shall be displayed on a board of size 100 cm X 50 cm clearly inscribing the order and shall be produced as and when sought by a competent authority for verification.
5. The permission shall not be construed as permission for filling of any other property, clearance of the Coastal Zone Management Authority, NOCs from the Forest Department, Water Resources Department, PWD (NH/SH), Directorate of Industries and Mines and the Railway Department and any other NOC as deemed necessary.
6. No such methods shall be adopted which will create noise and dust pollution in the neighbouring areas.
7. The stability of the slope shall be maintained by way of landscaping, retaining structures/walls, coir/synthetic meshing, etc as per the site condition.
8. Necessary step shall be taken to protect and improve the environment.

Yours Faithfully,

(Morad Ahmed)
Chief Town Planner

CC: The Town Planner
Town and Country Planning Department,
Mormugao, Goa

Nothing abn

Annexure 29

Ref. No: 17-A/TCP/Gen/08-09/4308
Town & Country Planning Dept.
Dempo Tower, IInd Floor,
Patto Plaza, Panaji – Goa.
Date: 10/12/09

ORDER

Sub:- Site inspection/survey of Sy.No. 43/1-A of Dabolim.

In response to the complaints with regard to Sy.No. 43/1-A of Dabolim from "Save Our Slopes" and "Goa Bachao Abhiyan" and the visit of the delegation, as a follow up action Shri Prakash Bandodkar, Dy. Town Planner is hereby authorized to conduct a site inspection and submit the report. He will take necessary assistance for carrying out the inspection work from the Surveyor, Shri Prakash Gudekar representing the complainant.

2 members Committee

Shri Rajesh Tirodkar, Overseer, Town & Country Planning Dept. (HQ), Panaji will also accompany him from this office.

10/12/2009
(Morad Ahmad)
Chief Town Planner)

To,
1. Shri Prakash Bandodkar, Dy. Town Planner.
2. Shri Rajesh Tirodkar, Overseer.

Copy to:
1. M/S Sarawati Builders & Developers Pvt. Ltd.
   Sy.No. 43/1-A, Dabolim village,
   Mormugao – Goa. — Requested to extend co-operation

2. Shri Edwin Mascarenhas,
   Secretary,
   Save Our Slopes,
   H.No. 68, Matvem,
   Dabolim, Mormugap – Goa — For information

ANNEXURE 30

COPY OF EXTRAORDINARY GRAM SABHA MEETING PROCEEDING COPY OF MEETING HELD ON 30.11.2008

Extraordinary Gramsabha Meeting of the Village Panchayat Chicalim to constitute Village Level Committee for the purpose of Regional Plan for Goa 2021 with reference to Circular No. 19/9/DP/DRRP-2021/08/5603 dt. 19.11.2008 is convened on Sunday 30th Nov. 2008 at 09.15 A.M. in the premises of V.P. Office to deliberate on as per the given Agenda.

The following members are present for the same.

At the appointed time 9 Gram Sabha Members were present.

As there is no quorum at the appointed till 15 minutes i.e. upto 09.30 A.M. hence the Gramsabha meeting stands adjourned for half an hour from 09.30 A.M. and the same will be conducted after half an hour from 09.30 A.M. that is at 10.00 A.M. to transact the business as per the given agenda irrespective of quorum.

In all 61 Gram Sabha Members were present for the adjourned Gram Sabha Meeting

The adjourned Extraordinary Gramsabha Meeting of the Village Panchayat Chicalim as is convened and started at 10.00 A.M. under the Chairmanship of the Sarpanch Shri Anacleto A.D'Souza in V.P. Office premises.

At the outset Sarpanch welcomed the gathering and informed and briefed about the purpose for which an Extraordinary Gramsabha Meeting is called for Vis-à-vis the geographical location and Jurisdiction of Village Panchayat which is coming within the purview of Outline Development Plan -2011 which is already finalized and forwarded for the purpose of Notification by Mormugao Planning & Development Authority, Vasco.

Whereupon the question arose that ODP 2011 supersedes Regional Plan 2021 or Regional Plan 2021 supersedes ODP 2011, which was placed before senior Town Planner Shri S.T. Puttaraju, who replied that the same will be explained by Hon. Chief Minister, as told by the Sarpanch, before the members present for the meeting.

Further the subject matter was discussed in length and breadth and the members present for the Gramsabha meeting unanimously resolved to seek certain clarifications and explanations from the competent authorities Viz.

1. The Gramsabha Members present for the meeting resolved to request the Chief Town Planner and the Hon. Chief Minister of Goa to clarify as to whether areas covered by Outline Development Plan 2011 of Mormugao Planning and Development Authority which is said to have been sent for notification will be covered by RP-2021 and if not what is the role of Village Panchayat Chicalim covered by ODP-2011 which is proposed by Adv. Albino Vales; Seconded by Shri Rui Araujo and approved unanimously.

2. The Gramsabha members present for the meeting resolved to request the Government to extend the time limit for filing suggestions/objections to RPG-2021 from the date of receipt of the same by the Panchayat i.e. 22/11/2008 and not from the date of publication which is proposed by Shri Ashok Shankwalkar, seconded by Shri Raj Bhandare and approved unanimously.

3. The Gramsabha Members present for the meeting resolved to request the Taluka Level Technical Team to come down to the Village to explain & clarify the technical aspect involved in RPG-2021, to the understanding of the common person, so that the participation process in formulating the RPG – 2021 is meaningful so that common person creates a base to fill in the Questionnaires to draw a fruitful output from the same which is proposed by Adv. Albino Vales, Seconded by Shri Edwin Maascarenhas and approved unanimously.

4. After taking the above points on record Sarpanch Shri Anacleto A. D'Souza suggested the strength and representation in the said Village Level Committee to be constitute with respect to Regional Plan of Goa-2021 and moved upon to constitute the same.

1. Constitution of Village Level Committee with respect to Draft Revised Regional Plan-2021.

Proposed by: Shri Anacleto A. D'Souza
Seconded by: Shri Francisco J.D. Nunes

The subject matter is placed for discussion and constitution of the Village Level Committee as recommended for.

After a long deliberation on the issue the members present for the Gramsabha meeting unanimously resolved to constitute the Village Level Committee Comprising of following members. Viz:

1. Shri Subhash Surlekar – (OBC)
2. Shri Manoj Halarnekar
3. Smt. Sneha Bhandare – (Women)
4. Shri Antonio Afonso
5. Shri Edwin Mascarenhas
6. Shri Santan Pereira
7. Shri Ashok Shankwalkar
8. Shri Cosme Araujo
9. Miss Fernanda Nunes- (Women)
10. Br. William D'Souza
11. Shri Roman Vaz – (ST)

Passed and approved unanimously.

Further as a part of discussion Shri Edwin Mascarenhas once again stressed upon the attendance of the elected Panchayat Members for the Gramsabha meeting and to see that all the elected Panchayat members are present for the Gramsabha meeting which is seconded by Shri Raj Bhandare and the same is placed on record.

As there is no other subject matter to be discussed in the Gram Sabha meeting. The meeting is declared to be over with the vote of thanks to the Members present for the meeting by Sarpanch Shri. Anacleto A. D'Souza and the same is concluded at 12.35 P.M.

Presided by:
S/d:
Anacleto A. D'Souza
Sarpanch
V.P. Chicalim

Recorded by:
S/d:
Pradeep M. Tamhanker
Secretary
V.P. Chicalim

VP/CHI/108/121/RP-2021/2008-09/2305 Date: 01/12/2008

To,

1. The Chief Town Planner,
   Town & Country Planning Dept.,
   Tempo Towers,
   EDC Complex,
   Patto, Panaji.

2. The Hon. Chief Minister, Goa
   Office of the Chief Minister,
   Legislative Assembly Complex,
   Porvorim, Bardez, Goa.

Sub: Draft Regional Plan, Goa-2021
Ref: Constitution of Village Level Committee

Sir,

With reference to above this is to inform you that as per the scheduled programme the Village Panchayat of Chicalim had convened an extraordinary Gramsabha meeting as per Circular No. 19/9/DP/DRRP-2021/08/5603 dt. 19/11/2008 on Sunday 30/11/2008 in the premises of Village Panchayat Chicalim to constitute Village Level Committee

During the course of discussion and as a part of clarification the members present for the Gramsabha meeting wish to seek clarification as regards to whether Areas covered by Outline Development Plan-2011 of Mormugao Planning & Development Authority, Vasco Which is said to have been sent for notification will be covered by RP-2021 and if not what is the role of Village Panchayat Chicalim covered by ODP-2011 and to request Government to extend the time limits for filing suggestion/objections to RPG-2021 from the date of receipt of the same by the Panchayat i.e. 22/11/2008 & not from the date of publication.

Further the Village Level Committee is constituted by the Gramsabha members present during the meeting as provided for. Please find an enclosed herewith a True Copy of Minutes of an Extraordinary Gramsabha Meeting held on Sunday 30/11/2008 which is self explanatory.

In view of all above your good authority is kindly requested to look into the matter and do the needful to extend and provide actual meaning for the participatory process and help towards its success.

I remain.

Sincerely yours,

OFFICE OF THE VILLAGE PANCHAYAT, CHICALIM ★ MARMUGAO-GOA ★

ANACLETO ANTHONY D'SOUZA
SARPANCH
V. P CHICALIM.

Encl: As Above
Copy to:
The Director,
Directorate of Panchayats, Junta House,
3rd lift, 3rd Floor, Panaji, Goa.
The Block Development Officer,
Mormugao Block, Vasco da Gama.
O/c, G/f.

} For information and needful action in the matter

CERTIFIED TO BE TRUE COPY
OF THE ORIGINAL

Secretary
V. P. Chicalim
Marmugao- Goa

Received
4/12/08

191

No. VP/CHI/108/121/RP-2021/2008-09/2563 Date: 06/01/2009.

REMINDER – I **TIME BOUND**
MOST URGENT

To,

1. The Chief Town Planner,
   Town & Country Planning Dept.,
   Tempo Towers,
   EDC Complex,
   Patto, Panaji.

2. The Hon. Chief Minister, Goa
   Office of the Chief Minister,
   Legislative Assembly Complex,
   Porvorim, Bardez, Goa.

Sub: Draft Regional Plan, Goa-2021
Ref: 1. Constitution of Village Level Committee.
2. No.VP/CHI/108/121/RP-2021/2008-09/2305 dt.01/12/08.

Sir,

With reference to above please find an enclose herewith a copy of letter as referred at Sr. No. 2 which is self explanatory.

Further to inform you that, in this office is not in receipt of any reply as yet and the days are getting lapsed. Since the issues is of time bound nature.

In view of above, your good authority is kindly requested to look into the matter and do the needful at the earliest.

I remain.

Received 8/1/09

OFFICE OF THE VILLAGE PANCHAYAT, CHICALIM * MARMUGAO - GOA *

Sincerely yours,

ANACLETO ANTHONY D 'SOUZA
SARPANCH
V. P CHICALIM.

Encl: As Above
Copy to:
The Director,
Directorate of Panchayats, Junta House,
3rd lift, 3rd Floor, Panaji, Goa.
The Block Development Officer,
Mormugao Block, Vasco da Gama.
O/c, G/f.

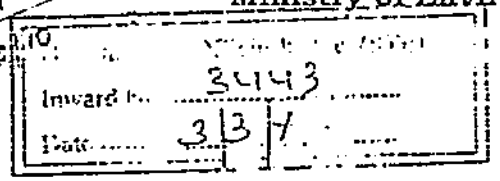
} For information and needful action in the matter

CERTIFIED TO BE TRUE COPY
OF THE ORIGINAL
Secretary
V. P. Chicalim
Marmugao- Goa

191(i)

Annexure 31

No. 21-192/2008-IA.III
Government of India
Ministry of Environment & Forests



Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 003.

Dated: 11th January, 2010.

To
M/s. Saravati Builders & Constructions Pvt. Ltd.,
I-1A, Dhawan Deep Apartments,
6, Jantar Mantar Road,
New Delhi – 110 001.

Subject: Construction of Dabolim Apartments and Club House at Plot No. 1, 2, 3, 4, Survey No.43/1, village Dabolim, Mormugao Taluka, South Goa by M/s. Saravati Builders and Constructions Pvt. Ltd. – Revised Environmental Clearance – Reg.

Dear Sirs,

This has reference to your application No. nil, dated 13.07.2009 and subsequent letter dated 26.10.2009 seeking revised Environmental Clearance for the above project under the EIA Notification, 2006. The Environmental Clearance for the project was issued earlier on 02.02.2009 was for the construction of Dabolim Apartments and Club House. The revised proposal has been appraised as per prescribed procedure in the light of provisions under the EIA Notification, 2006. The Expert Appraisal Committee constituted by the competent authority in its meeting held on 22nd August, 2009 and 20th November, 2009 appraised the project and recommended for issue of revised Environmental Clearance to the project and awarded "Silver" grading to the project.

2. It is, interalia, noted that the Environmental Clearance for the project was issued earlier involved the construction of group housing and a club on a plot area of 77,294.36 sq.m. The total builtup area proposed is 81,728 Sq.m. (stilt + 5 floors). It is proposed to construct 2 BR – 580. In addition to above, it is also proposed to construct a club house, 36 multipurpose rooms, crèche, computer training centre, yoga training centre, multipurpose hall, community centre and a mini super market. The total water requirement is 546.28 KLD (fresh water requirement is 314.12 KLD). The capacity of STP proposed is 450 KLD. Treated waste water to be used for flushing of toilets 142.16 KLD, horticulture 90 KLD, AC cooling 85 KLD and excess treated waste water 52.43 KLD will be made available to the village panchayat for irrigation. Total solid waste generation will be 2.2 MT/day. The power requirement is 2250 KW. The total parking spaces proposed are for 720 ECS. Total cost of the project is Rs. 130.00 Crores.

3. The revised proposal involves the construction of group housing project on a plot area of 77,294.36 sq.m. The total built-up area proposed is 81,271 Sq.m. (stilt + 5 floors). It is proposed to construct 700 apartments of different sizes. In addition to above, it is also proposed to construct a club house, 36 multipurpose rooms, crèche, computer training centre, yoga training centre, multipurpose hall, community centre and a mini super market. The total water requirement is 546.28 KLD (fresh water requirement is 353 KLD). The capacity of STP proposed is 480 KLD. Treated waste water to be used for flushing of toilets – 177 KLD, horticulture - 90 KLD, AC cooling – 80 KLD and excess treated waste water – 83 KLD will be made available to the village panchayat for irrigation. Total solid waste generation will be 2.5 MT/day. The power requirement is 2687 KW. The total parking spaces proposed are for 840 ECS. Total cost of the project is Rs. 135.00 Crores.

4. The Goa Coastal Zone Management Authority, vide their letter No. GCZMA/NDZ/08-09/828, dated 19.11.2008 informed that the property bearing Sy.No.43/1 is falling beyond 100 mts. of No Development Zone (NDZ) of the river Zuari and as such beyond NDZ area does not fall within the purview of GCZMA vis-à-vis implementation of CRZ Notification, 1991.

5. The Expert Appraisal Committee, after due consideration of the relevant documents submitted by the project proponent and additional clarifications furnished in response to its observations, have recommended for the grant of Environmental Clearance for the project mentioned above. The Environmental Clearance to the old proposal issued earlier on 02.02.2009 shall be treated as cancelled. Accordingly, the Ministry hereby accord necessary revised Environmental Clearance for the above project as per the provisions of Environmental Impact Assessment Notification – 2006 and its subsequent amendments, subject to strict compliance of the terms and conditions as follows:

PART A - SPECIFIC CONDITIONS

I. **Construction Phase**

(i) "Consent for Establishment" shall be obtained from Goa Pollution Control Board under Air and Water Act and a copy shall be submitted to the Ministry before start of any construction work at the site.

(ii) No development shall take place in the CRZ area and the direction of the Hon'ble High Court of Bombay in W.P.No.150 of 1998 shall be complied with.

(iii) Provision shall be made for the using of construction l
within the site with all necessa infrastructure
such as fuel for cooking, mo toilets

drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project.

A First Aid Room will be provided in the project both during construction and operation of the project

(v) All the topsoil excavated during construction activities should be stored for use in horticulture/landscape development within the project site.

(vi) Disposal of muck during construction phase should not create any adverse effect on the neighbouring communities and be disposed taking the necessary precautions for general safety and health aspects of people, only in approved sites with the approval of competent authority.

(vii) Soil and ground water samples will be tested to ascertain that there is no threat to ground water quality by leaching of heavy metals and other toxic contaminants.

(viii) Construction spoils, including bituminous material and other hazardous materials, must not be allowed to contaminate watercourses and the dump sites for such material must be secured so that they should not leach into the ground water.

(ix) Any hazardous waste generated during construction phase, should be disposed off as per applicable rules and norms with necessary approvals of the Goa Pollution Control Board.

(x) The diesel generator sets to be used during construction phase should be low sulphur diesel type and should conform to Environment (Protection) Rules prescribed for air and noise emission standards.

(xi) The diesel required for operating DG sets shall be stored in underground tanks and if required, clearance from Chief Controller of Explosives shall be taken.

(xii) Vehicles hired for bringing construction material to the site should be in good condition and should have a pollution check certificate and should conform to applicable air and noise emission standards and should be operated only during non-peak hours.

(xiii) Ambient noise levels should conform to residential standards both during day and night. Incremental pollution loads on the ambient air and noise quality should be closely monitored during construction phase. Adequate measures should be

made to reduce ambient air and noise level during construction phase, so as to conform to the stipulated standards by CPCB/ Goa PCB.

(xiv) Fly ash should be used as building material in the construction as per the provisions of Fly Ash Notification of September, 1999 and amended as on 27th August, 2003. (The above condition is applicable only if the project site is located within the 100 Km of Thermal Power Stations).

(xv) Ready mixed concrete must be used in building construction.

(xvi) Storm water control and its re-use as per CGWB and BIS standards for various applications.

(xvii) Water demand during construction should be reduced by use of pre-mixed concrete, curing agents and other best practices referred.

(xviii) Permission to draw ground water shall be obtained from the competent Authority prior to construction/operation of the project.

(xix) Separation of grey and black water should be done by the use of dual plumbing line for separation of grey and black water.

(xx) Fixtures for showers, toilet flushing and drinking should be of low flow either by use of aerators or pressure reducing devices or sensor based control.

(xxi) Use of glass may be reduced by upto 40% to reduce the electricity consumption and load on airconditioning. If necessary, use high quality double glass with special reflective coating in windows.

(xxii) Roof should meet prescriptive requirement as per Energy Conservation Building Code by using appropriate thermal insulation material to fulfill requirement.

(xxiii) Opaque wall should meet prescriptive requirement as per Energy Conservation Building Code which is proposed to be mandatory for all airconditioned spaces while it is aspirational for non-airconditioned spaces by use of appropriate thermal insulation material to fulfill requirement.

(xxiv) The approval of the competent authority shall be obtained for structural safety of the buildings due to earthquake, adequacy of fire fighting equipments, etc. as per National Building Code including protection measures from lightening etc.

(xxv) Regular supervision of the above and other measures for monitoring should be in place all through the construction phase, so as to avoid disturbance to the surroundings

(xxvi) Under the provisions of Environment (Protection) Act, 1986. legal action shall be initiated against the project proponent if it was found that construction of the project has been started without obtaining environmental clearance.

II. Operation Phase

i) The installation of the Sewage Treatment Plant (STP) should be certified by an independent expert and a report in this regard should be submitted to the Ministry before the project is commissioned for operation. Treated affluent emanating from STP shall be recycled/reused to the maximum extent possible. Treatment of 100% grey water by decentralised treatment should be done. Discharge of unused treated affluent shall conform to the norms and standards of the Goa Pollution Control Board. Necessary measures should be made to mitigate the odour problem from STP.

ii) The solid waste generated should be properly collected and segregated. Wet garbage should be composted and dry / inert solid waste should be disposed off to the approved sites for land filling after recovering recyclable material.

iii) Diesel power-generating sets proposed as source of back up power for elevators and common area illumination during operation phase should be of enclosed type and conform to rules made under the Environment (Protection) Act, 1986. The height of stack of DG sets should be equal to the height needed for the combined capacity of all proposed DG sets. Use low sulphur diesel. The location of the DG sets may be decided with in consultation with Goa Pollution Control Board.

iv) Noise should be controlled to ensure that it does not exceed the prescribed standards. During night time the noise levels measured at the boundary of the building shall be restricted to the permissible levels to comply with the prevalent regulations.

v) The green belt of the adequate width and density preferably with local species along the periphery of the plot shall be raised so as to provide protection against particula and noise.

vi) Weep holes in the compound wall shall be provided to ensure natural drainage of rain water in catchment area during the monsoon period.

vii) Rain water harvesting for roof run- off and surface run- off as plan submitted should be implemented. Before recharging the surface run off, pre-treatment must be done to remove suspended matter, oil and grease. The borewell for rainwater recharging should be kept at least 5 mts. above the highest ground water table.

viii) The ground water level and its quality should be monitored regularly in consultation with Central Ground Water Authority.

ix) Traffic congestion near the entry and exit points from the roads adjoining the proposed project site must be avoided. Parking should be fully internalized and no public space should be utilized.

x) A Report on the energy conservation measures confirming to energy conservation norms finalise by Bureau of Energy Efficiency should be prepared incorporating details about building materials & technology, R & U Factors etc and submit to the Ministry in three months time.

xi) Energy conservation measures like installation of CFLs/TFLs for the lighting the areas outside the building should be integral part of the project design and should be in place before project commissioning. Use CFLs and TFLs should be properly collected and disposed off/sent for recycling as per the prevailing guidelines /rules of the regulatory authority to avoid mercury contamination. Use of solar panels may be done to the extent possible.

xii) Central air-conditioning energy efficient system having at least 3 star rating of BEE may be providing for the proposed complex.

xiii) Efforts may be made to use solar energy to the maximum extent possible.

xiv) Adequate measures should be taken to prevent odour problem from solid waste processing plant and STP.

xv) The building should have adequate distance between them to allow movement of fresh air and passage of natural light, air and ventilation.

PART – B. GENERAL CONDITIONS

i) The environmental safeguards contained in the EIA Report should be implemented in letter and spirit.

ii) The project proponent shall also submit six monthly reports on the status of compliance of thestipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) to the respective Regional Offe of MoEF, the respective Zonal Office of CPCB and the SPCB.

6. Officials from the Regional Office of MOEF, Bangalore who would be monitoring the implementation of environmental safeguards should be given full cooperation, facilities and documents / data by the project proponents during their inspection. A complete set of all the documents submitted to MoEF should be forwarded to the CCF, Regional office of MOEF, Bangalore.

7. In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by this Ministry.

8. The Ministry reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environmental (Protection) Act, 1986, to ensure effective implementation of the suggested safeguard measures in a time bound and satisfactory manner.

9. All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department, Forest Conservation Act, 1980 and Wildlife (Protection) Act, 1972 etc. shall be obtained, as applicable by project proponents from the respective competent authorities.

10. These stipulations would be enforced among others under the provisions of Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and control of Pollution) act 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and EIA Notification, 2006.

11. The project proponent should advertise in at least two local Newspapers widely circulated in the region, one of which shall be in the vernacular language informing that the project has been accorded Environmental Clearance and copies of clearance letters are available with the Goa Pollution Control Board and may also be seen on the website of the Ministry of Environment and Forests at http://www.envfor.nic.in. The advertisement should be made within 10 days from the date of receipt of the Clearance letter and a copy of the same should be forwarded to the Regional office of this Ministry at Bangalore.

12. Environmental clearance is subject to final order of the Hon'ble Supreme Court of India in the matter of Goa Foundation Vs. Union of India in Writ Petition (Civil) No.460 of 2004 as may be applicable to this project.

13. Any appeal against this Environmental Clearance shall lie with the National Environment Appellate Authority, if preferred, within a period of 30 days as prescribed under Section 11 of the National Environment Appellate Act, 1997.

14. A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zilla Parisad/Municipal Corporation, Urban Local Body and the Local NGO, if any, from whom suggestions/ representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the company by the proponent.

15. The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB. The criteria pollutant levels namely; SPM, RSPM, SO_2, NOx (ambient levels as well as stack emissions) or critical sectoral parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.

16. The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of EC conditions and shall also be sent to the respective Regional Offices of MoEF by e-mail.

(Bharat Bhushan)
Director (IA)

Copy to:

1. The Secretary, Department of Environment, Government of Goa, Panjim, Goa.
2. The Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi – 110 032.
3. The Member Secretary, Goa Pollution Control Board, Dempo Tower, 1st Floor, Patto Plaza, Panjim, Goa – 403 001.
4. The CCF, Regional Office, Ministry of Environment & Forests(SZ), Kendriya Sadan, IVth Floor, E&F wings, 17th Main Road, Koramangala II Block, Bangalore – 560 034.
5. IA - Division, Monitoring Cell, MOEF, New Delhi - 110003.
6. Guard file.

Department of Cor
Central Co
23 FEB 2010
C. P. No. IA/MS/4175

(Bharat Bhushan)
Director (IA)
11.01.2010

Annexure 32 191(IX)

No. 21-192/2008-IA.III
Government of India
Ministry of Environment & Forests

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 003,

Dated: 15th April, 2010.

To
M/s. Saravati Builders & Constructions Pvt. Ltd.,
I-1A, Dhawan Deep Apartments,
6, Jantar Mantar Road,
New Delhi – 110 001.

Subject: Construction of Dabolim Apartments and Club House at Plot No. 1, 2, 3, 4, Survey No.43/1, village Dabolim, Mormugao Taluka, South Goa by M/s. Saravati Builders and Constructions Pvt. Ltd. – Reg.

Reference: Environmental Clearance letter vide No.21-192/2008-IA.III, dated 11.01.2010.

***

Dear Sirs,

This Ministry has received a W.P.No. 13/2010 in the High Court of Goa in the matter of Goa Foundation Vs. M/s. Saravati Builders and Constructions Pvt. Ltd. and others in which Ministry is also one of the respondent.

In the Writ Petition, the petitioner has raised the following issues :

(i) Whether the entire project area is a private forest land.
(ii) whether the cutting of hill slopes on such a gradient more than 25% is not permissible as per town and country planning rules.
(iii) Whether for the implementation of the projects requires cutting of large no. of trees on a steeply sloping terrain is ecologically sensitive area as per the Committee on identifying paramcters for designing ecological sensitive in India.

The above issues arc important and require detailed re-examination of the project. In the meantime, you are directed not to proceed for the construction of group housing in the aforesaid plot till a detailed examination of all the issues raised in the Writ Petition are re-examined by the Expert Appraisal Committee Ministry.

I have been directed to inform you therefore that the Environmental Clearance issued on 11.01.2010 shall be kept in abeyance till the final decision in the matter is taken by the Ministry.

Yours faithfully,

(Bharat Bhushan)
Director (IA-III)

Copy to:

1. The Secretary, Department of Environment, Government of Goa, Panjim, Goa.
2. The Member Secretary, Goa Pollution Control Board, Dempo Tower, 1st Floor, Patto Plaza, Panjim, Goa – 403 001.
3. The CCF, Regional Office, Ministry of Environment & Forests(SZ), Kendriya Sadan, IVth Floor, E&F wings, 17th Main Road, Koramangala II Block, Bangalore – 560 034.
4. IA - Division, Monitoring Cell, MOEF, New Delhi - 110003.
5. Guard file.

(Bharat Bhushan)
Director (IA)

Annexure 5..

The Goa Foundation

G-8,St.Britto's Apts.,
Feira Alta, Mapusa 403507 Goa.
www.goafoundation.org/
email: goafoundation@gmail.com
Phones: 0832-2263305; 2256479

23.7.2010

To:

The Chairman
Expert Appraisal Committee (Housing Projects),
Ministry of Environment and Forests,
Paryavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi 110 003

Sub: Representation in respect of environment clearance dated 11.1.201 granted to Saravati Builders and Constructions Pvt. Ltd., Goa.

Dear Sir,

We thank you for your invitation to depose before this Committee which is examining the environment clearance granted to M/s Saravati Builders Constructions Pvt. Ltd., owing to the issues raised by us in writ petition 13/2010. The environment clearance has already been put on hold by Ministry by its letter dated 15.4.2010. It is our case that the environ clearance earlier granted for the project was based on faulty data produce the project proponents and non-disclosure of important facts. Henc environment clearance needs to be cancelled.

The undersigned on behalf of the Goa Foundation (petitioner No 1) a Edwin Mascarenhas (petitioner No 2) are addressing this Committee aspects raised in the Writ Petition:

a) That the area is a forest and therefore prior permission under t Conservation Act requires to be obtained. This aspect was not b earlier EAC.

b) That the area is a steep slope and hence the law prevailing in Goa banning development / construction on steep slopes prohibit construction of the project in the said area. Further, the norms adopted by the Environment Ministry for the entire country based on the report of the "Committee on Identifying Parameters for Designating Ecologically Sensitive Areas in India" (September 2000) in respect of "steep slopes" and "not so steep slopes" are applicable in this case as the area is steep slope.

In respect of issue (a): forest, we are submitting the following documents:

1. **Photographs of the area** indicating the extent of natural vegetation on the plot. (*Exhibit 1*)

2. **Report of the Goa Foundation** listing the species of trees and plants existing on Sy. No. 43/1. For obvious reasons we are not able to inspect the Sy No 43/1A which is just above Sy 43/1. Hence we have made detailed inspection of Sy No 43/1. This Survey with the assistance of a professional botanist was carried on 20th July 2010. The report is self explanatory and indicates that the area is full of forest trees. Any investigation of trees on Sy No 43/1A is bound to report similar forestry species for the plot is essentially one and the same. (Both survey nos were earlier one single plot.) Forest clearance would be mandatory for the project. (*Exhibit 2*)

3. **Three permissions to fell trees** on the said property from three separate hectares under the Goa (Preservation of Trees) Act, 1984 granted to the owners of Sy No 43/1 and 43/1A. A total of 200 trees were cut in the space of three years and despite the felling of 200 trees, it is obvious that large part of the area remains thick forest. The list of tree species allowed for felling indicates several forestry species.

   On each occasion the applicant was required to sign a Bond for reafforesting the plot. The Bond clearly records that the plot is "forest land", that the purpose of felling the dead, matured, unsound and uneconomical trees is to reafforest the resulting patches with forestry species, that the Forest Dept is permitted to enter upon the said land for the purpose of preserving, planting and inspecting the trees planted therein," and that if the applicant fails to plant the trees the Forest Dept shall take up the work of afforestation for the purpose of preservation, formation and conservation of the Forest therein." The Bond concludes by recording that the applicant is put to notice that he ought not to commit

any breach of the Forest Conservation Act in regard to the said plot. It is amply clear therefore that Sy Nos. 43/1 and 43/1A are forest and that they were known to be forest both to the Forest Dept and to the owners of the plots. These facts were not disclosed to the Ministry. Copies of the three tree felling permissions and the Bonds are annexed. (*Exhibit 3*)

4. **Report of Mr. K.S. Reddy, Chief Conservator of Forests (C), Bangalore,** who was deputed to visit an adjoining site which is shown on the notified Draft Regional Plan as Sy. No. 257. In respect of Sy. No. 257, the report clearly states that gradient is more than 25% and that the site (Sy.No.257) is having natural forest trees and vegetation. "The vegetation is thick on the slope and density is low on the plateau portion." The report also states that though the area appears to qualify to be declared as a private forest based on the vegetation and terrain of the area, so far the same has not been declared/notified as a private forest. Mr. Reddy recommends that maintaining the forest patch in the 4 km long hilly stretch appears to be necessary from overall environmental interest of the area. Sy No. 257 is a part of an approx. 4 km stretch of naturally forested slopy land. Sy. No 43/1A is part of this stretch of forested slopy land which extends from Chicalim village to Cortalim and Sancoale. Sy No 43/1A is in Dabolim, Chicalim village. (*Exhibit 4 & 5*).

In respect of issue (b): steep slope, we are submitting the following documents:

5. **The notified Draft Regional Plan for Goa 2021** (Mormugao Taluka) which clearly shows the extent of the slopy (no-development) terrain over the 4 kms stretch from Chicalim village to Cortalim and Sancoale villages. Due to steep slope, the entire area is shown as "no development zone." The legend for the green hatching indicates the area as No Development Slope. (*Exhibit 5*)

   The Regional Plan was prepared by the Task Force on the Regional Plan 2021 in 2008 which is a statutory plan prepared under the provisions of the Goa Town and Country Planning Act, 1974. Composition of the Task Force is annexed. As can be seen, Chairman is the Chief Minister; Vice Chairman is Charles Correa, one of India's eminent architects; one of the senior members is Edgar Ribeiro, Former Chief Town Planner, Government of India. Assisting the Task Force were officials from the Town Planning Dept.

Annexed are the relevant pages from the Regional Plan 2021 doc
indicating that the slopes marked in the Regional Plan 2021 map ar
on topo sheets of the Survey of India. The notified plan has been pr
and verified by officials of the Town and Country Planning Depa
under direction of the Task Force. (*Exhibit 6*)

6. **Relevant pages of the report of the "Committee on Iden
Parameters for Designating Ecologically Sensitive Areas in**
(September 2000) which declares any slope 14 degrees (25%) an
as steep slope and therefore as ecologically fragile and for
environment clearance cannot be granted. (*Exhibit 7*)

7. **Spot levels of the property** to measure the slope. These were reco
a professional surveyor who was part of the Committee set up by th
Town Planner to verify the slope of the land of Sy. No. 43/1
calculation of the slope and the report of Prakash Budekar (qu
surveyor) indicate that the gradient on the northern boundary of the
which could be accessed and measured is 33.7%. The Committee fo
difficult to measure the rest of the area levels because of inaccessi
caused by the thick standing vegetation. This Committee was
disbanded without completing its work and another commi
comprising only Govt officials was set up which merely decided to visua
assess the area. (*Exhibit 8*)

8. **Order dated 27th April 2010 of the Bombay High Court in the san**
petition which has granted stay on development on the plots that belong
Sy. No. 43/1 as well and which were sold the developer to sever
persons.

In our respectful submission, the above documents adequate evide
support our contention that the environment clear
not based on correct facts being placed before the E
the clearance. The fact that the area is forest was not
the EAC at all. The scale of toposheets prod
proper idea of the actual slope of the
conducted on this project. SEAC
four years after the EIA notification
We therefore reiterate that Sy. No
natural forest protected by order of the Hon'ble
Supreme Co

Annexed are the relevant pages from the Regional Plan 2021 document indicating that the slopes marked in the Regional Plan 2021 map are based on topo sheets of the Survey of India. The notified plan has been prepared and verified by officials of the Town and Country Planning Department under direction of the Task Force. (*Exhibit 6*)

6. **Relevant pages of the report of the "Committee on Identifying Parameters for Designating Ecologically Sensitive Areas in India"** (September 2000) which declares any slope 14 degrees (25%) and above as steep slope and therefore as ecologically fragile and for which environment clearance cannot be granted. (*Exhibit 7*)

7. **Spot levels of the property** to measure the slope. These were recorded by a professional surveyor who was part of the Committee set up by the Chief Town Planner to verify the slope of the land of Sy. No. 43/1A. The calculation of the slope and the report of Prakash Budekar (qualified surveyor) indicate that the gradient on the northern boundary of the plot – which could be accessed and measured – is 33.7%. The Committee found it difficult to measure the rest of the area levels because of inaccessibility caused by the thick standing vegetation. This Committee was later disbanded without completing its work and another committee comprising only Govt officials was set up which merely decided to visually assess the area. (*Exhibit 8*)

8. **Order dated 27th April 2010 of the Bombay High Court** in the same petition which has granted stay on development on the plots that belong to Sy. No. 43/1 as well and which were sold by the developer to several persons.

In our respectful submission, the above documents are adequate evidence to support our contention that the environment clearance granted earlier was not based on correct facts being placed before the EAC which recommended the clearance. The fact that the area is forest was not brought to the notice of the EAC at all. The scale of toposheets produced was not adequate to give proper idea of the actual slope of the property. (No public hearing was conducted on this project. SEAC for Goa State was only set up in April 2010, four years after the EIA notification of September 2006.)

We therefore reiterate that Sy. No. 43/1 (which includes new Sy. 43-1A) is natural forest protected by order of the Supreme Court dated 12.12.1996 and

by the provisions of the Forest Conservation Act, 1980. In so far as the previous environment clearance did not disclose any knowledge that the survey had a standing forest, it is defective and therefore needs to be cancelled.

In respect of the steep slope as well, the environment clearance cannot stand in view of the recommendations of the Ministry of Environment and Forests Committee (2000) which were accepted by the Ministry of Environment and Forests and which are also law in the State of Goa. These facts were also not drawn to the attention of the EAC by the project proponents.

In view of the above, the EAC may kindly recommend cancellation of the environment clearance which has been put on hold in any event since April 2010.

Yours sincerely,

(Dr Claude Alvares)
Director

Attached: Dossier comprising documents listed in the above representation

D.

191(xvi)

The Goa Foundation

G-8 St Britto's Apts.,
Feira Alta, Mapusa 403507 Goa.
www.goafoundation.org/
email: goafoundation@gmail.com
Phones: 0832-2263305; 2256479

23.7.2010

To:

The Chairman
Expert Appraisal Committee (Housing Projects),
Ministry of Environment and Forests,
Paryavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi 110 003

Sub: Survey of vegetation on Sy.No.43/1 of Dabolim village

Dear Sir,

The Foundation recruited a professional botanist from Goa University to conduct a survey of the vegetation (species-wise) on Survey No.43/1.

Copy of the survey report comprising list of the species found during the survey together with comments is annexed to this letter.

The survey was conducted on 20.7.2010.

Sincerely,

(Dr Claude Alvares)
Director

Annexed: Surveyed list of vegetation species on Sy.No.43/1 conducted on 20.7.2010.

Trees

	Botanical Name	Family	Local name
1.	*Alseodaphne semecarpifolia* Nees	Lauraceae	Rani, Massi, Fugdus
2.	*Alstonia scholaris* (L.) R. Br.	Apocynaceae	Satwin
3.	*Anacardium occidentale* L.	Anacardiaceae	Kaju
4.	*Artocarpus heterophyllus* Lam.	Moraceae	Panas
5.	*Bombax ceiba* L.	Bombacaceae	Savar
6.	*Buchanania lanzan* Spreng.	Anacardiaceae	Char
7.	*Carallia brachiata* (Lour.) Merr.	Rhizophoraceae	Makad bhirand, Ponsi
8.	*Careya arborea* Roxb.	Barringtoniaceae	Kumyo
9.	*Caryota urens* L.	Arecaceae	Birlomad
10.	*Cassia fistula* L.	Caesalpiniaceae	Boyo, Bavo
11.	*Cocos nucifera* L.	Arecaceae	Mad
12.	*Ervatamia alternifolia* (L.) Almeida	Apocynaceae	Nagal-Kudo
13.	*Ficus arnottiana* (Miq.) Miq.	Moraceae	Asti
14.	*Ficus benghalensis* L.	Moraceae	Vad
15.	*Ficus racemosa* L.	Moraceae	Rumad
16.	*Firmiana colorata* (Roxb.) R. Br.	Sterculiaceae	Kaushi, Khavas
17.	*Garcinia indica* (Du Petit-Thou.) Choisy+	Clusiaceae	Birand, Kokum
18.	*Grewia tiliaefolia* Vahl	Tiliaceae	Dhaman
19.	*Heterophragma quadriloculare* (Roxb.) K. Schum.	Bignoniaceae	Murus
20.	*Holigarna arnottiana* (Wight & Arn.) Hook.f.+	Anacardiaceae	Ranbibo, Bibo
21.	*Holoptelea integrifolia* (Roxb.) Planch.	Ulmaceae	Vamvlo
22.	*Lannea coromandelica* (Houtt.) Merrill	Anacardiaceae	Moi
23.	*Macaranga peltata* (Roxb.) Muell.-Arg.	Euphorbiaceae	Chandod
24.	*Mallotus philippensis* (Lam.) Muell.-Arg.	Euphorbiaceae	Shendri
25.	*Memecylon umbellatum* Burm. f.	Melastomataceae	Anjan, Kalo-kundo
26.	*Mimusops elengi* L.	Sapotaceae	Omvla
27.	*Sapium insigne* (Royle) Benth. ex Trim.	Euphorbiaceae	Uro
28.	*Sterculia urens* Roxb.	Sterculiaceae	Pandruk, Arjun
29.	*Strychnos nux-vomica* L.	Loganiaceae	Kajro
30.	*Syzygium cumini* (L.) Skeels	Myrtaceae	Jaman, Nerul
31.	*Tamarindus indica* L.	Caesalpiniaceae	Chinch
32.	*Tectona grandis* L.f.	Verbenaceae	Sylo, Sagwan
33.	*Terminalia bellerica* (Gaert.) Roxb.	Combretaceae	Goting
34.	*Trema orientalis* (L.) Bl.	Ulmaceae	Khargul
35.	*Xeromphis spinosa* (Thunb.) Keay	Rubiaceae	Ghela
36.	*Ziziphus xylopyrus* (Retz.) Willd.	Rhamnaceae	Ghot, Ran-bor

Shrubs and Stragglers

S. No.	Botanical Name	Family	Local name
37.	*Acacia pennata* (L.) Willd.	Mimosaceae	Sambo, Shembo
38.	*Allophylus cobbe* (L.) Raeusch.	Sapindaceae	Titwit, Teenpaana
39.	*Breynia retusa* (Dennst.) Alston	Euphorbiaceae	Poem, Kangli
40.	*Bridelia scandens* (Roxb.) Willd.	Euphorbiaceae	Phaterpod
41.	*Callicarpa tomentosa* (L.) Murr.	Verbenaceae	Tomdi-kharvamti
42.	*Calycopteris floribunda* (Roxb.) Lam.$	Combretaceae	Uski
43.	*Carissa congesta* Wight	Apocynaceae	Karvand
44.	*Celastrus paniculatus* Willd.	Celastraceae	Kangla, Kanguni
45.	*Clerodendrum viscosum* Vent.	Verbenaceae	Saypilo
46.	*Dalbergia horrida* (Dennst.) Mabberley	Fabaceae	Petguli, Kati-kamto
47.	*Desmodium triagulare* (Retz.) Merr.	Fabaceae	Lapoti
48.	*Embelia tsjeriam-cottam (Roem. & Sch.) A. Dc.*	Myrsinaceae	
49.	*Ficus hispidada* L.f.	Moraceae	Vadli-Kharvamt
50.	*Helicteres isora* L.@	Sterculiaceae	Kivan
51.	*Holarrhena pubescens* (Buch._Ham.) Wall. ex Don@	Apocynaceae	Kudo
52.	*Ixora brachiata* Roxb.@	Rubiaceae	
53.	*Ixora coccinea* L.	Rubiaceae	Pitkuli
54.	*Leea indica* (Burm. f.) Merrill	Leeaceae	Dimdo, Dino
55.	*Leea macrophylla* Roxb. Ex Hornem.	Leeaceae	Jino, Dinda
56.	*Microcos paniculata* L.	Tiliaceae	Amsali
57.	*Moullava spicata* (Dalz.) Nicolson++	Casalpiniaceae	Wakeri, Vagati
58.	*Ochna obtusata* DC.	Ochnaceae	Narole
59.	*Rauvolfia serpentina* (L.) Benth. ex Kurz	Apocynaceae	Atki
60.	*Thespesia lampas* (Cav.) Dalz. & Gibs.	Malvaceae	Ran-bhendi
61.	*Urena lobata* L.	Malvaceae	Tupkate
62.	*Vitex negundo* L.@	Verbenaceae	Nirgundi
63.	*Ziziphus rugosa* Lam.	Rhamnaceae	Chuna

Herbs

S. No.	Botanical Name	Family	Local name
64.	*Alysicarpus vaginalis* (L.) DC.	Fabaceae	
65.	*Amorphophallus commutatus* (Schott) Engl.+	Araceae	Ransuran
66.	*Cassia tora* L.	Caesalpiniaceae	Taiklo
67.	*Commelina benghalensis* L.	Commelinaceae	
68.	*Desmodium heterocarpon* (L.) DC.	Fabaceae	
69.	*Impatiens balsamina* L.	Balsaminaceae	Terada
70.	*Impatiens minor* +	Balsaminaceae	
71.	*Mimosa pudica* L.	Mimosaceae	Touch-me-not; Lajalu
72.	*Naregamia alata* Wight & Arn.	Meliaceae	
73.	*Physalis minima* L.	Solanaceae	Chirputi
74.	*Triumfetta rhomboidea* Jacq.	Tiliaceae	

Climbers (incl. Twiners)

S. No.	Botanical Name	Family	Local name
75.	*Ampelocissus arnottiana*	Vitaceae	
76.	*Argyreia nervosa* (Burm.f.) Boj	Convolvulaceae	Samudra-Somk
77.	*Cayratia elongate* (Roxb.) Susseng.	Vitaceae	
78.	*Cayratia trifolia* (L.) Domin.	Vitaceae	
79.	*Dioscorea bulbifera* L.	Dioscoreaceae	Karamdo
80.	*Dioscorea wallichii* Hook.f.	Dioscoreaceae	
81.	*Lygodium flexuosum* (L.) Swartz	Schizaeaceae	
82.	*Smilax zeylanica* L.	Smilacaceae	Kaval-kamti
83.	*Vigna vexillata* (L.) A. Rich.	Fabaceae	
84.	*Wattakaka volubilis* (L. f.) Stapf	Asclepidiaceae	Ambri

Obnoxious weeds (at the periphery)

S. No.	Botanical Name	Family	Local name
85.	*Chromolaena odorata* (L.) R.M.King & H.Rob.	Asteraceae	Ran-mari
86.	*Hyptis suaveolens* (L.) Poit.	Lamiaceae	
87.	*Lantana camara* L.	Verbenaceae	Ghaneri

Symbols signify:

@ = also grow as trees
$ = also grows as liana
+ = endemic species
++ = monotypic endemic genus (ie. Only one species in the genus)

Comments:

1) Trees are very tall and most of the species are represented by great numbers in populations.
2) Survey was conducted just along the periphery for 1 hr on 20.07.2010; many more species are expected to be there in the area.
3) As it is beginning of the monsoon climbers have already started covering the vegetation, thus there is likelihood of missing the plants even at the periphery.
4) Herbs (including grasses) are just coming up after the monsoon, so they are not represented in great number.
5) Going by the composition of the elements, vegetation can be considered wild but for the couple of species such as coconut, teak and cashew planted here and there.
6) Regular species that are expected are not seen and they are presumed to be within the patch, thus this list suggests only a fraction of the species observed there.
7) A thorough survey, not only for species present there but also for their quantity is necessary.
8) As shown in the list there are endemic species in the area.

Annexure 34

MINUTES

The Minutes of the 89th Meeting of the Expert Appraisal Committee for Building Construction. Coastal Regulation Zone. Infrastructure Development and Miscellaneous projects held on 21st-23rd July. 2010 at Fazal Chambers. SCOPE Complex, Lodhi Road, New Delhi

4.31 Construction of Dabolim Apartments and Club House at Plot No. 1, 2, 3, 4, Survey No.43/1, village Dabolim, Mormugao Taluka, South Goa by M/s. Saravati Builders and Constructions Pvt. Ltd. (No.21-192/2008-IA.III)

Ministry has issued an Environmental Clearance for the construction of apartments in Debolim Goa on 11th January 2010. A Writ Petition No. 13/2010 was filed in the Hon'ble High Court of Bombay at Goa by The Goa Foundation in which Ministry was also one of the respondents. The issues raised in the petition were regarding cutting of trees, the entire project area is a private forest and project site is having a gradient more than 25% where the construction is not permissible as per Town and Country planning rules. Ministry has put the Environmental Clearance issued on 11th January 2010 in abeyance on 15th April 2010.

The Hon'ble High Court has taken note of Ministry's action of keeping the clearance in abeyance and further examination of the matter by the Ministry.

The proposal was put up for examination of issues raised by The Goa Foundation in the Expert Appraisal Committee meeting held on 22nd-24th July 2010 in which the representative of The Goa Foundation and M/s Saravati Builders and Constructions Pvt. Ltd. were also called. During discussions The Goa Foundation represented by Dr. Claude Alvares informed that:

(a) The area is a forest and therefore prior permission under the Forest Conservation Act requires to be obtained. This aspect was not put up before the Expert Appraisal Committee earlier.

(b) That the area is a steep slope and hence the law prevailing in Goa banning development/ construction on steep slopes prohibits construction of the project in the said area.

(c) It was also informed that there is severe water shortage in the vicinity of the proposal. Further, many illegal bore wells were made. The River juari is about 500 m from the site and the proposed extraction of ground water may lead to sea water intrusion.

In respect of the above issues he presented photographs of the area indicating the extent of natural vegetation of the plot. He further informed that three permissions were obtained for cutting of trees and a total of 200 trees were cut in the last three years.

The representatives of M/s. Saravati Builders and Constructions Pvt. Ltd. informed that

(a) As per the records of Goa Government the site is not declared as Forest and this was confirmed by the Government of Goa in their affidavit filed in the Hon'ble High Court

(b) Only 92 trees were felled with required permission. A Committee constituted by Town Planning Department including the petitioner has visited and surveyed and based on the survey. an affidavit has been filed which states that the slop is within norms.

They further informed that the Local body has given permission for supply of 314 KLD of water from Public supply, 95 KLD will be met from the two Nos. bore wells. The site is about 1000 feet above the river level; hence the possibility of sea water intrusion is remote.

The EAC after deliberation sought the following information: from party

(i) Submit the details of trees cut down with their permissions, certifying that no other trees will be cut.

(ii) Submit a copy of the contour map superimposing the layout plan of the site with clear spot levels authenticated by the Local Town Planning Department.

(iii) Submit a copy of the permissions for cutting of the trees and a certificate form DFO that the area is not declared as forest under Forest Conservation Act.

The committee deferred the project and shall reconsider after the submission of above information.

Slopes

(1) Contour map, superimposing layout plan of the site with clear spot levels authenticated by TP.

Forests

Certificate that area is not declared as forest under FCA

Forest Dept – pg 238
Clear Spot levels – pg 296
Site Insp 21/1/10

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Annexure 35

GOA FOUNDATION

G-8, St Britto's Apartments, Feira Alta, Mapusa 403507 Goa, INDIA
Tel: +91-(0)832-2256479; 2263305 *(also fax)*
E-mail: goafoundation@gmail.com *Website:* www.goafoundation.org

13.8.2010

The Chief Town Planner,
Town and Country Planning Dept.,
Dempo Towers,
Patto, Panaji, Goa.

Subj: Decision of EAC Meeting July 21-23, 2010 regarding construction of Dabolim Apartments by M/s Saravati Builders and Constructions Pvt Ltd.

Dear Sir,

We have just now downloaded a copy of the minutes and decisions taken at the above meeting of the EAC in respect of the Dabolim Apartments of M/s Saravati Builders and Constructions at Chicalim, Goa.

As per the minutes, the developers have been requested "to submit a copy of the contour map superimposing the layout plan of the site with clear spot levels and to have this exercise authenticated by the Local Town Planning Department." (Copy enclosed.)

We request, in the interests of transparency, that we be allowed to remain present with our qualified surveyor when the authentification of the spot levels by Town Planning takes place. We also request you to give us (at our cost) a copy of the contour plan with layout plan superimposed prepared by the company when it is received by you.

Sincerely,

(Dr Claude Alvares)
Director

Annexure 36

FAX NO :918322137351 18 Aug 2010 4:09PM P1

Ref No: 17/A1/MCR/257/Tcp/2010/30
Town & Country Planning Dept.
Government of Goa
Patto, Panaji - Goa.
Date: 19/8/2010

To
The Director,
Goa Foundation,
G-8, St. Britto's Apartments,
Feira Alta, Mapusa – 403507.

Sub:- Authentication of M/S Saravati's Contour Plans with spot levels for Sy.No. 43/1-A of Dabolim village, Mormgao Taluka.

Ref:- 1. Your letter dated 18/8/2010.
2. Your letter dated 13/8/2010.

Sir,

With reference to the above cited subject, it is to inform that the Town & Country Planning Department (HQ), Dempo Tower, Panaji has not received any contour map with spot levels for authentication from M/S Saravati Developers and Constructions Pvt. Ltd. subsequent to the meeting of the EAC dated 21st – 23rd July 2010, as mentioned in your letter referred above till date.

It may be noted that the said project comes under the notified planning area of Vasco-da-Gama having duly constituted Planning and Development Authority (Mormugao PDA) and information is being sought from them in writing.

On telephonic enquiry with the Town Planner, Town & Country Planning Dept., Mormugao Taluka Level Office, it is informed that they have not issued any such authenticated maps, written information in this regard is being obtained from them.

Yours faithfully,

(Morad Ahmad)
Chief Town Planner

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Annexure 37

Thu, Aug 19, 2010 at 12:16 PM
Panchagnula Subba Rao pvsrao8@gmail.com
Fri, Aug 13, 2010 at 3:10 PM
Re: M/s. Saravati Builders & Constructions Pvt. Ltd

Dear Dr Rao,

This is further to my email on the subject dated 13 August 2010 (which is part of this email below).

We met the Chief Town Planner, Town and Country Planning Department, at his office on 17 August at 4.00 pm to enquire into whether any contour maps with clear spot levels had been submitted by Saravati Developers to and Constructions Pvt Ltd had been submitted to Town Planning and if so, whether these had been authenticated by him or any of his officials pursuant to the decisions of the EAC meeting of July 21-23, 2010.

He told us categorically that nothing has either come to his office nor has anything gone out from his office in that connection.

The DFO (DCF in Goa) has also confirmed that he has not received any copy of the EAC minutes or any other official communication in this connection and that he has not issued himself any such letter as is required by the EAC.

We also confirm that the site has not been visited by forest officials to ascertain whether or not the area is forest. In the meanwhile we have already requested the Principal Chief Conservator of Forests, Government of Goa, to direct the High Court Committee for identification of forests in South Goa district to visit the site and file a report.

In view of the fact that neither of the two principal requirements imposed by the EAC have been met by the developers, we do not see how this matter can be taken up for consideration by the EAC at its meeting scheduled for 20 August, 2010. Being an NGO with limited financial resources, we do not find it possible to make the trip to Delhi merely to convey this objection to you at the meeting. Hence this letter.

We do wish to attend the EAC meeting which will re-consider the forestry and hill slope status of the project once the reports requested by you are produced duly authenticated by the Forest and Town Planning departments.

We once again insist that we be allowed to remain present with our own professionally qualified surveyor when the spot levels on the plot are taken.

This communication may be placed before the Hon'ble Committee.

(Dr Claude Alvares)

191 (xxv)

Annexure 38

No 21-192/2010-IA.III
Ministry of Environment & Forests
Government of India
(IA.III Division)

Paryavaran Bhavan
CGO. Complex, Lodi Road
New Delhi – 110 003

Dated 27.8.2010

To

The Chief Town Planner
Town & Country Planning Office
Patto, Panaji
Goa - 403001

Subject: W. P. No. 13/2010 (Goa Foundation V/s M/s. Saravathi Builders & Construction Pvt. Ltd) –regarding.

Sir

Kindly refer to the above mentioned proposal submitted to this Ministry for Environmental Clearance (EC). The Ministry issued the clearance on 11.1.2010. M/s. Goa Foundation has filed a writ petition in the Hon'ble High Court. The EC is at the moment kept in abeyance. The major issues in the petition are the slope of land is more than 25%, where construction should not be permitted as per the local lawas/rules and cutting of trees. M/s. Saravathi Builders & Construction Pvt. Ltd submitted a survey map showing contours and slope. The proposal was considered by the Expert Appraisal Committee in its meeting held on 21-23 July, 2010 and the committee after deliberations sought the information on "a copy of the contour map superimposing the layout plan of the site with clear spot levels authenticated by the Local Town Planning Department".

As desired by the EAC, M/s. Saravathi Builders submitted the layout plans. A copy of the same is enclosed for your perusal, verification and authentication. You are requested to examine the same at site and send your comments to the Ministry for further necessary action within 2 weeks so that the details may further be discussed in the next meeting of EAC scheduled to be held in the 3rd week of September,2010.

Yours faithfully,

(Bharat Bhushan)
Director

Copy to :

1. M/s.Goa Foundation, G-8, St. Britto Apartments, Feira Atta Mapusa – 403 507, Goa
2. M/s. M/s. Saravathi Builders & Constructions Pvt Ltd, I-1A Dhawan Deep Apartments, 6- Jantar Mantar Road.-New Delhi – 110 001
3. Sh. Carlos Alvares Ferreira, Asst. Solicitor General of India, 1st Floor, Camila Bulding D.Joao Crasto Road, Opp. Keni's Petrol Pump, Panaji – 403 001 (Goa)
4. CCF, Regional Office, Ministry of Environment & Forests (SZ), Kendriya Sadan, IV Floor, E&F Wings, 17th Main Road, Koramangala-II Block, Bangalore – 560 034.

191(xxvi)

Annexure 39

No. 21-192/2010-IA.III
Ministry of Environment & Forests
Government of India
(IA.III Division)

Paryavaran Bhavan
CGO. Complex, Lodi Road
New Delhi – 110 003

Dated 27.9.2010

To

The Chief Town Planner
Town & Country Planning Office
Patto, Panaji
Goa - 403001

Subject: **W. P. No. 13/2010 (Goa Foundation V/s M/s. Saravathi Builders & Construction Pvt. Ltd) –regarding.**

Reference: 1. Ministry's letter No.21-192/2008-IA.III dated 27.8.2010
2. Your letter dated 9.9.2010

Sir,

Kindly refer to your letter on the above mentioned subject, in which it was requested to examine at site and send your comments. The copies of the maps enclosed with your letter indicate "attested photocopies of the original plans" You are requested to examine at site and confirm the slopes and permissibiliy of constrcuction.

Yours faithfully,

(Bharat Bhushan)
Director

Annexure 40

MINUTES

The Minutes of the 93rd Meeting of the Expert Appraisal Committee for Building / Construction Projects / Township and Area Development Projects, Coastal Regulation Zone, Infrastructure Development and Miscellaneous projects held on 09th-10th November, 2010 at Conference Hall, Van Vigyan Bhawan, ICFRE, Sector-5, R.K. Puram, New Delhi.

5.2 W. P. No. 13/2010 (Goa Foundation V/s M/s. Saravathi Builders & Construction Pvt. Ltd)-reg.

Member Secretary informed that this case pertains to construction of Dabolim Apartment & Club House at Plot No. 1, 2, 3, 4 Survey No. 43/1, Village Dabolim, Murmugao Taluka, South Goa submitted by M/s. Saravathi Builders & Constructions Pvt. Ltd, New Delhi. The Ministry issued Environmental Clearance on 2.2.2009 as per the provisions of Environmental Impact Assessment Notification, 2006. Thereafter, project was revised & after thorough examination and scrutiny, the Ministry granted revised environmental clearance to the project on 11.1.2010.

As per the Hon'ble High Court order dated 27.4.2010, the project was placed before the EAC during its meeting held on 22-24 July, 2010 at New Delhi. The EAC sought some information. The project proponent submitted the requisite information and the same were again placed before the EAC on 18-20 August, 2010. The committee decided to send copy of the survey map/layout plans to the Town Planning Department, Goa for examination at site & verification and authentication. These were sent by MoEF to Chief Town Planner (CTP) on 27.8.2010. With reference to this letter, the Chief Town Planner, Town & Country Planning Dept, Goa has sent the attested copies of the layout maps back to the Ministry.

In his letter, the photocopies have been verified/checked/attested from the original records available at their office vide letter no.17-A/MOR/257/TCP-09/3142 dated 2.9.2009. Therefore, the Ministry once again requested the CTP, Goa on 8.10.2010 to examine and verify at site and confirm the slopes and permissibility of construction. The Chief Town Planner has sent a letter mentioning that only after due diligence carried-out using Survey of India Topographical sheets and correlated data available in the office, in accordance with guidelines and the procedures used for all such cases in Goa. A site visit is part of the due diligence carried-out before issue of permission. The site visit was carried-out by the CTP and his team along-with the representatives of the petitioner on 21.1.2010 & 16.2.2010.

Now, the project proponent has submitted a letter to Ministry mentioning that all the issues raised have been attended and requested the Ministry to withdraw the abeyance order. The details along with the maps were presented to the Committee.

The Committee after discussions suggested that Ministry may inform the Government
(1) Counsel/ ASG that the site inspections were conducted twice by Government Departments viz. Town Planning Department & Forests Department of Goa on 21.1.2010 and 16.2.2010. During the site visit, Petitioners i.e. M/s Goa Foundation was also present. The site visit
(2) report and the maps may also be forwarded to the Counsel informing that the issue is related to the local laws and Environmental Clearance has been issued only under EIA Notification, 2006. The project proponent has to obtain prior clearance from the Local body as per the
(3) local laws incorporating all the Environmental parameters as suggested by the Expert Appraisal Committee. Further action on the above issue should be taken only after the
(4) Hon?ble High Court orders about revocation of abeyance order.

No conclusion on
(1) whether area is forest.
(2) Whether gradient is steep slope > 25%

BEFORE THE NATIONAL GREEN TRIBUNAL
AT PUNE

APPLICATION NO. 26(THC)/2013

IN THE MATTER OF:

The Goa Foundation &Anr. ...APPLICANTS

VERSUS

M/s. Saravati Builders and Construction Pvt. Ltd. &Ors. ...RESPONDENTS
(Now known as DLF Homes Goa Pvt. Ltd)

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8.	ANNEXURE "F" (COLLY) Copies of the permissions/extensions dated 12.09.2008, 03.11.2008, 28/05/2009 and 09.07.2009 granted to the Respondent No.1.	75-83
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11.	ANNEXURE "I" A copy of the response dated 20.11.2008 furnished by the Respondent No.1 to the MOEF.	90-91

Advocate for the Respondent No.1

PLACE:
DATED :

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
GOA BENCH, AT PANAJI.

WRIT PETITION NO. 13 of 2010

Goa Foundation & anr.)... Petitioners

v/s

M/s Saravati Builders and Construction Pvt Ltd & ors)... Respondents

AFFIDAVIT OF PETITIONER

I, Dr Claude Alvares, petitioner No.1 in the above writ petition, do hereby solemnly affirm on oath as under:

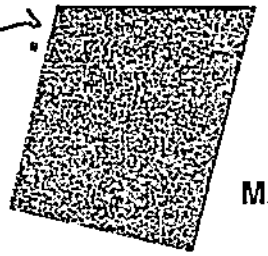
1. I am filing this affidavit to bring on record copy of a site visit report dated 26.2.2010 filed by Shri K.S. Reddy, Chief Conservator of Forests (C), South Regional Office of the Ministry of Environment and Forests at **Exhibit A**. The Foundation office has just received a copy of the report.
2. The site visit was in connection with a proposal for construction of group housing on Sy.No.257/1 of Sancoale village, neighbor to Dabolim village. The proposed site is part of a long approximately 4-km stretch of slope that comprises good forest and no-development slopes and in which three projects challenged by the petitioners fall. The slopy stretch begins from Dabolim village and ends at the extreme end of Sancoale village.

3. The site visit team was headed by Shri Reddy, but also including other officials of the MoEF regional office in Bangalore and forest officials of the Goa government.
4. I say that the present deponent was also a part of the site visit team as the Foundation had lodged a detailed complaint against the M-Tech project on the same grounds as the Saravati project. I say that in fact permission for felling of trees was also granted on Sy.No.257 of Sancoale village though the area is forest in nature.
5. I say that the report indicates that portions of the project are proposed to be located on gradient in excess of 25%.
6. I say that the report also indicates that the plot is "part of about 4 km long naturally forested slopy stretch." This remark is confirmed with greater details in the second last para, which states: "Though the area appears to qualify to be declared as a private forest based on the vegetation and terrain of the area, so far the same has not been declared/notified as a private forest. Maintaining forest patch in the 4 kms along hilly patch appears to be necessary from overall environmental interest of the area."

Solemnly affirmed this
the 6th day of April, 2010

Deponent

सत्यमेव जयते



भारत सरकार
पर्यावरण एवं वन मंत्रालय
GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT & FORESTS
क्षेत्रीय कार्यालय (दक्षिण वलय)
Regional Office (Southern Zone)
Kendriya Sadan, 4th Floor, E&F Wings, 17th Main Road,
2nd Block, Koramangala, Bangalore - 560 034.

No. 6679 364

No. :
तार : पर्यावरण, बेंगलूर
Telegram : PARYAVARAN BANGALORE
दूरभाष :
Telephone :

Recd. by hand.
RO(Bangalore)

Urgent

No. EP/12.1/238/GOA/6679
Phone No. 080 25635901
Fax No. 080 25537184
Dated 26.2.2010

Pl pursue with file. Bhatt 03.03.2010

To

Shri Bharat Bhushan
Director (IA-III)
Ministry of Environment & Forests
Paryavaran Bhavan, CGO Complex
NEW DELHI – 110 003.

Subject : Construction of Group Housing at Sy. No.257/1, Sancoale, Goa by M/s. M-Tech Developers Ltd. – ~~Environmental~~ ~~Clearance~~ – reg.

Ref: MOEF, N.D. Letter No.21-31/2009-IA.III dated 22.2.2010.

****

Sir,

With reference to the subject mentioned above the undersigned visited the site on 25.2.2010. During the visit the following officials/people were present:

1] Dr. A.B. Harapanahalli, Director (S), RO(SZ), Bangalore.
2] Mr. Shambhu, Deputy Conservator of Forests, South Goa.
3] The Assistant Conservator of Forests, South Goa.
4] Concerned Range Officer and Staff.
5] Dr. Claude Alvares, Director, Goa Foundation.
6] Mr. Santosh Kumar, Representative of M-Tech Developers Pvt. Ltd.

376/Env(GN)
3/1/10

This site is situated to the South of National Highway No.17A close to Marmugoa Bay. Based on map provided by the project authorities and ocular assessment on the spot, slope of almost all of the portion of the project site between 28 m. and 43 m. contours has been found to be more than 25%. Remaining portion of the site is having gentle slope. A copy of the map provided by the project authorities is enclosed as annexure I. The site is having natural forest trees and vegetation. The vegetation is thick on the slope and density is low on the plateau portion. This plot is a part of about 4 kms long naturally forested sloppy stretch.

Reg. Plan shows NDSlope

Deputy Conservator of Forests, South Goa had issued a tree cutting permission vide his letter No.890 dated 17.7.2007 with a condition to complete the felling within 45 days. The project authorities could not fell the trees in the given time and had requested Deputy Conservator of Forests, South Goa for extension of time for felling vide their applications dated 10.8.2009 and 22.12.2009. The DFO has not yet given the extension.

Mr. Claude Alvares stated during the inspection as per Goa Land Development and Building Construction Regulations 2008 no construction is permissible in areas having gradient more than 25%. He has also provided a copy of the order of Hon'ble High Court of Bombay at Goa in W.P. No. 257 of 2001 alongwith W.P. 294 of 201, containing reference to restriction on development in areas having slopes more than 25% (Copy enclosed as annexure II). He also stated that the project area and the adjoining 4 kms sloppy stretch of natural forest vegetation should be declared as a private forest as per Supreme Court orders in Godavarman's case. So far some areas have been identified as private forests in the State of Goa by two Committees. In pursuance of the directive contained in the order dated 16.12.2009 of Hon'ble High Court of Bombay at Goa, the Government of Goa vide its notification dated 3.2.2010 constituted a committee for the purpose of identification of balance areas of private forest in the state. A copy of the notification is enclosed as annexure III.

Though the area appears to qualify to be declared as a private forest based on the vegetation and terrain of the area, so far the same has not been declared/notified as a private forest. Maintaining forest patch in the 4 kms along hilly patch appears to be necessary from overall environmental interest of the area.

Goa Coastal Zone Management Authority vide letter No. 488 dated 8.8.2008 (copy enclosed as annexure IV) has stated that Survey No. 257/1 of Sancoale Village, Marmagoa Taluk does not fall within the CRZ and as such does not attract the provisions of the CR notification, 1991. However, Goa State Coastal Zone Management Plan approved in 1996 by Ministry of Environment and Forests (copy enclosed as annexure V) classified Sancoale areas as CRZ III areas. Subsequent amendments to the 96 approval, if any, could not be obtained. This aspect needs examination.

Yours faithfully,

(K.S. REDDY)
Chief Conservator of Forests(C)

Encl : As above.

NORMA

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
GOA BENCH, AT PANAJI.

WRIT PETITION NO. 13 of 2010

Goa Foundation & anr.)... Petitioners

v/s

M/s Saravati Builders and Construction
Pvt Ltd & ors)... Respondents

ADDL. AFFIDAVIT OF PETITIONER

I, Dr Claude Alvares, petitioner No.1 in the above writ petition, do hereby solemnly affirm on oath as under:

1. I am filing this affidavit to bring on record two additional documents in support of the issues raised in the writ petition.

2. I have already brought on record (at page 364 of the paperbook) the report of K.S. Reddy, Chief Conservator of Forests (Central) of the Regional Office of the Ministry of Environment and Forests, Bangalore, which, inter alia, states that there is an approximate 4 km stretch of forested hilly land in the taluka which must be protected, from the overall environmental interest of the area. This 4 km stretch is in fact clearly visible in the Draft Regional Plan for Mormugao Taluka 2010 where it is marked as "No Development Slope". Copy of the Plan is hereto annexed to this affidavit at **Exhibit A**.

3. I have indicated on the above Plan the approximate location of three Sy.Nos. on which development projects have been approved in violation of law, viz., Sy.No.43 (impugned in the present petition); Sy.No.257 (Environment Clearance withheld by the Ministry of Environment pursuant to the Reddy report); and Sy.No.113 (stayed by order of this Hon'ble Court in December 2006).

4. I am annexing at ***Exhibit B***, copy of the tree felling permission dated 28-5-2007 issued to the Resp No 13 (original owners) and the Bond signed by the POA holder Shri Anand Bose. The Bond records that the land is forest land. The notings record that the slope of the property is approx 20 to 25 degrees. I have recently been able to receive a copy of these documents issued under the provisions of the RTI Act. I say that these documents disclose that the original owners knew, in 2007 itself, that the plot was forest land and having steep slope on account of which development was not permissible.

Solemnly affirmed this
the 22nd day of April, 2010

Deponent

(6th April)

37

Site Insp. 378A
16/2

IN THE HIGH COURT OF BOMBAY AT GOA

Writ Petition No. 13/2010

Goa Foundation & Anr .... Petitioner

V/s

Saravati Builders and Constructions
Pvt. Ltd. and Ors. .... Respondents

ADDITIONAL AFFIDAVIT

I, Shri Morad Ahmed, major of age, Chief Town Planner, Town and Country Planning Department, having office at Panaji Goa, do hereby on solemn affirmation state and submit as under: -

1. I say that I had filed an affidavit dated 01/02/2010 placing on record the preliminary site inspection report.

2. I say that thereafter this Department has prepared a detailed site inspection report. The same is being annexed hereto as **Exhibit R-1 Colly.**

I say that whatever is stated in the above paragraphs is true to my knowledge.

Solemnly affirmed at Panaji
On this 15th day of March, 2010 Deponent

Identified by:
(Adv. Abhijeet A. Kamat)

378 B

Report on site inspection – Survey No. 43/1A, Dabolim village, Mormugao Taluka

In pursuance to the Order of Hon'ble High Court dated 12/01/2010 in Writ Petition No. 13/2010, a joint site inspection of Sy.No. 43/1-A, Dabolim village, Mormugao Taluka was conducted on 21/01/2010 by the Chief Town Planner accompanied by the officers/officials of the Department as per the Committee constituted vide Order No. 17-A/TCP/Gen/2010/194 dated 19/01/2010 alongwith Petitioner/Representative of Petitioner and Respondent No. 1.

During the site inspection on 21/01/2010, it was observed that the area is large with undergrowth and trees so it was difficult to ascertain the boundaries. It was decided that the next round of inspection for visual assessment will be done after the Respondent No. 1 marks all the points along the boundaries/sub-division plots and report to Town & Country Planning Department.

The site inspection was started on 16/02/2010 at 11.45hrs after the Respondents, Petitioners and their Representatives and the Chief Town Planner with his Committee members arrived on site. The details of the participants during the site inspection are indicated in the attendance sheet signed by the respective participant (Annexed hereto is a copy of attendance sheet as Annexure 'B').

Photographs of the site from different angles were taken, which are annexed hereto as Annexure 'C'.

The team started the observations of the site from Plot No. 1. Initially there was a little confusion regarding the identification and layout of the flags marking the sub-divisions, but it was resolved. The team took references approximately from the marked points and continued the inspection. Based on the site boundaries and the sub-divided plot boundaries marked by different coloured flags, the different topographical conditions on the site were identified.

Visual

There was a lapse found in the marking of one red flag right on the edge of the site along the northern boundary, which then became a point of contention for the Petitioners. The position of sub-division plots were assessed in the context of total area. However, Petitioners and the Respondent No. 1 were asked to submit their observations to the Town & Country Planning Department. The submission made are annexed here to as Annexure 'D' and Annexure 'E' respectively.

3786

Site Visit Conclusion:

In keeping with the Hon'ble High Court's orders dated 12/01/2010, the site inspection has been carried out on two occasions dated 21/01/2010 and 16/02/2010 and all have been made familiar with the relief of the area (topography) of the site. An approximate correlation has also been made between the permission granted under section 17A of Town & Country Planning Act vis-à-vis the layout on the ground.

Hill Cutting Permission as per section 17A of Town & Country Planning Act, 1974

The detailed calculations carried out and the methodology used to carry out the slope analysis for the site at Sy.No. 43/1-A, and to issue necessary permissions in accordance with section 17A of Town & Country Planning Act, 1974 have been detailed as an Explanatory Memorandum at Annexure 'D' of the Affidavit submitted on 01st February, 2010. It is again attached as Annexure 'F' for ready reference.

It is stated that:-

1. The Government of India (GOI) Topographical Sheets referred to for the calculations are the only one being so utilized in Goa.

2. The methodology used by the Town & Country Planning Department to carry out the slope analysis is the same as applied to all such cases.

3. The slope analysis carried out as per the laid down methodology and using the concerned Government of India topographical sheets indicate the slopes are less than 25 percent which is within the laid down parameters wherever the permission under section 17A is granted in the said property.

Overseer(HQ) **Dy. Town Planner (Quepem)** **Dy. Town Planner (HQ)**

Senior Town Planner(HQ) **Chief Town Planner**

378D ANNEXURE – 'A' 382

Ref. No: 17-A/TCP/Gen/2010/488
Town & Country Planning Dept.
Dempo Towers, 3rd Floor,
Patto Plaza, Panaji-Goa.
Date: 16/2/2010

To,

1. Dr. Claude Alvares,
   Secretary,
   Goa Foundation,
   Room 7, Above Mapusa Clinic,
   Mapusa - Goa.

2. Edwin Mascarenhas,
   58B, Near Chicalim Park,
   Chicalim – Goa.

3. M/S Saravati Builders & Construction Pvt. Ltd.
   F2, Landscape Excelsior (1st floor).
   Opp. Kala Academy,
   D.B. Road,
   Campal, Panaji – Goa.

Sub: Site inspection of Sy.No. 43/1A of Dabolim village, Mormugao Taluka

Sir,

In pursuance to the order of Hon'ble High Court on 12/01/2010 in W.P. No. 13 of 2010 inspection of the site under reference was inspected on 21/01/2010 and the Respondent No. 1 was instructed on site to put the flags for boundaries/plots demarcation. The Respondent No. 1 has informed by letter No. 30492/River Valley/Site Insp/2010 dated 09/02/2010 that he has complied with the instructions given on 21/01/2010.

Therefore a site inspection is scheduled to be held on 16/02/2010 at 11.30 a.m. by the officers/officials of this Department. You are requested to be present on the said date and time in person or through authorized representative alongwith original and certified copies of necessary documents, if any, for submission.

Yours faithfully,

16/02/2010

(Morad Ahmad)
Chief Town Planner

O/C
16-02-2010

Copy to:-
All the members of the Committee constituted vide Order No. 17-A/TCP/Gen/2010/194 dated 19/01/2010

378 C ANNEXURE-B' 383

JOINT SITE INSPECTION
ATTENDANCE SHEET

In pursuance to Order of Hon'ble High Court dated 12/1/2010 in Writ Petition No. 13/2010, a joint site inspection was conducted by Chief Town Planner on 21/1/2010 at 11.30 a.m. alongwith his team constituted vide Order No. 17-A/TCP/Gen/2010/194 dated 19/01/2010. During the site inspection on 21/01/2010, the Respondent No. 1 was instructed to put flags along the boundaries/sub-division of plots and inform the Town & Country Planning Dept.

The Respondent No. 1 vide letter No. 30492/River Valley/Site Insp/201 dated 9/02/2010 has informed that he has complied with the instructions given during site inspection on 21/01/2010.

In view of the above, another inspection is conducted on 16/02/2010 at 11.30 a.m. alongwith team constituted vide said order dated 19/01/2010.

The following are present during the site inspection:

1. Shri Morad Ahmad, Chief Town Planner
2. Shri S.T. Puttaraju, Senior Town Planner(HQ)
3. Shri M.K.C. Srikanth, Dy. Town Planner(HQ) 16-02-2010
4. Shri Prakash Bandodkar, Dy. Town Planner (Quepem) Bandodkar
5. Shri Rajesh Tirodkar, Overseer, TCP Dept., Panaji
6. Claude Alvares, GOA FOUNDATION.
7. Ritu Prasad, GOA FOUNDATION
8. EDWIN MASCARENHAS, PET. NO. 2.
9. RAVI RAJAN - RESP NO 1.
10. ———

The following points were observed during the site inspection:

378 H ANNEXURE - 'D'

The Chief Town Planner,
Town and Country Planning Dept.,
Dempo Tower,
Panaji, Goa.
Date : 18/02/2010

Office of the
Chief Town Planner
TOWN & COUNTRY
PLANNING DEPARTMENT
Panaji-Goa 016
Date of Receipt : 19/2/2010

Sir,

Sub: Our Observations, Comments and Suggestions on the visual inspection of Survey No. 43/1- A Dabolim carried out as per your Letter No. 17/A/TCP/GEN/2010/488 dt. 10/02/2010.

In pursuance of your above letter and the site inspection carried out on 16/02/2010 we hereby submit our observation, comments and suggestions, as directed by you:

As decided by the team, during the earlier site inspection held on 21/01/2010, the Respondent No. 1 was requested to put up flags as indicated in the sketch site plan so as to enable the CTP and the team to make a initial visual assessment of the property and the plots there in since the boundaries of the plots were not directly visible due to vegetation.

On 16th February 2010 a site inspection was carried out pursuant to this and as only the white 'A' flags and some of the Red 'B' flags were visible from the top entry portion of the site, these were relied upon to do a visual assessment of the topography of the property.

Starting from 'A 1' and moving to 'A 5' we used the red 'B' flags whose location did not seem to correspond exactly with the position of these flags indicated on the sketch map and we tried to approximately assess the topography.

It was seen that from the top edge of the property ('A 1' to 'A 5') there visually seemed to be slope within permissible gradient (below 25%) for approximately 30 to 50 meters depth along the property edge demarcated from 'A 1' to 'A 5'.

Beyond this there seemed a steep slope (above 25%) which would constitute a NDZ (No Development Zone).

It was also discussed with the TCP officials during this exercise that an actual physical survey needs to be undertaken to ascertain the extent of the area of the property within permissible gradient.

On reaching the edge of the property demarcated by the White 'A 5' flag on the top edge, it was noticed by us that visually the distance between the White 'A 5' flag and the Red 'B 5' flag seemed to be less than that what had been indicated on the site map (i.e., 70 meters). As this edge was demarcated by a barbed wire fencing, the TCP official present asked his man to use a tape measure to check the distance. It was

found to be only about 45 meters on site, indicating a discrepancy of 25 meters, which was quite shocking.

Up till now we had presumed in good faith that all the flags had been positioned at the correct places. Now this huge difference observed in the positioning of the flag at the boundary gave a very wrong idea and was wholly misleading for a visual assessment of the topography as the flags were used visually by the team to assess the proportionate areas under permissible gradient and NDZ (No Development Zone). Hence this wrong placement would give a misleading and wrong proportionate assessment.

In this scenario we decided to question the authenticity of the entire exercise and would like to place on record that as the placement of the flags is now definitely in doubt, this would have to be corrected before a visual assessment exercise is carried out. Further, since our faith in the Respondent doing the exercise has been shaken, we would insist that a survey team from Land Survey Department, Government of Goa, may be requisitioned to carry out the physical survey under direct supervision of the High Court, with participation of our representatives.

for

FOR AND ON BEHALF OF
PETITIONER NO. 1
GOA FOUNDATION

PETITIONER NO. 2
EDWIN MASCARENHAS

ANNEXURE

30492 / River Valley / Site Insp II / 2010

17th February 2010

To,
Chief Town Planner
Town & Country Planning Dept.
Dempo Towers, 2nd Floor
Patto Plaza,
Panaji-Goa

Subject: Site Inspection of Saravati Builders & Constructions Private Limited Project on Survey No. 43/1A of Dabolim Village, Mormugao Taluka, (under Village Panchayat Chicalim) on 16 February 2010

Dear Sir,

Please refer to:-

1. Town & Country Planning letter No. 17- A / TCP/ Gen / 2010 / 191 dated 19 January 2010
2. Our letter 30492/ River Valley / Site Insp / 2010 dated 28 January 2010
3. Your letter 17- A / TCP/ Gen / 2010 / 488 dated 10 February 2010
4. The site inspection carried out on 16 February 2010.

With respect to the site inspections carried out, we would like to make the following observations:-

1. The site inspections were not a forum for finalizing on the contours or the slopes or the gradient of the site. It was a requirement as instructed by the Hon'ble High Court on 12 January 2010.
2. The petitioners demands during the site inspection on 16 February 2010 for a contour survey, etc, is not acceptable as data already exists in the form of Government of India (GOI) survey maps and topographical sheets which form the basis for any such references all over India

18/02/2010

19-02-2010

DLF Homes Goa Private Limited
Regd. Office: 1E, Jhandewalan Extn., Naaz Cinema Complex, New Delhi – 110055
Goa Office: F-2, Landscape Excelsior (1st Floor), Opp. Kala Academy, D. B. Road
Campal, Panjim, Goa – 403 001
Phone :- 0832-2422660/1, Fax :- 0832-2422662

Office of the
Chief Town Planner
TOWN & COUNTRY
PLANNING DEPARTMENT
Panaji
Inward No: 1002
Date of Receipt: 18/2/10

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The aim of the site inspection on 16 February 2010, was to identify the layo
plots and the amenities block on the site and accordingly:-

1. This was carried out as accurately as was feasible under the circumst
2. The site inspection was not aimed at arriving at a conclusion whether the gradient is within prescribed limits or not.
3. The site inspection accomplished the aim of all concerned visiting the site and understanding the topography of the same.
4. The Town & Country Planning Department has already concluded, after repeated internal checks, that the correct methodology was applied to determine that the slope of the site is between 19 and 24 percent. An affidavit towards this end has already been filed with the Hon'ble High Court.

It is re-iterated that the site inspection was in no way a method for concluding whether the gradient is within the prescribed limits or not. It was also not meant to serve as a pre-cursor for any resurvey of the site.

Further, we seriously object to the petitioner being accompanied by Ms Ritu Prasad and we were not notified of her status in the said organization of the Petitioner(s). An objection to this effect was raised by the authorized representative of Respondent No. 1 at the start of the site inspection.

Our observations above are for your information and necessary action as required.

Thanking you.

Yours Sincerely,
For **DLF Homes Goa Private Limited**

Authorised Signatory

DLF Homes Goa Private Limited
Regd. Office: 1E, Jhandewalan Extn., Naaz Cinema Complex, New Delhi – 110055
Goa Office: F-2, Landscape Excelsior (1st Floor), Opp. Kala Academy, D. B. Road
Campal, Panjim, Goa – 403 002
Phone :- 0832-2422660/1, Fax:- 0832-2422662

378/109 ANNEXURE – 'F'

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ANNEXURE 'D'

Explanatory Memorandum on section 17-A of the Town & Country Planning Act, 1974

Section 17A deals with prohibition on cutting of hilly land and filling up of low lying land etc. which reads as follows:

"No occupier of any hilly or sloppy land or any low lying land shall, by himself or through his servants or agents or any other persons, undertake the work for cutting of any hilly or sloppy land, or filling up of any, low lying land, in, over or upon any hilly or sloppy land, as the case may be, without obtaining the prior written permission from the Chief Town Planner".

Explanation – For the purpose of section 17A.

(i) "low lying land" means and includes any land below 50 cms. or more than from the adjoining ground level;

(ii) "hilly land or sloppy land" means and includes any land having a gradient of 1:10 or more.

As far as the applicability of section 17A of the Town & Country Planning Act is concerned the same is given under explanation provided under section 17A of the Act which reads as follows:

For purposes of applicability of this section

"hilly land or sloppy land" means and includes any land having a **gradient of 1:10 or more i.e. 10% or more.** Thus permission for cutting of hilly land or sloppy land is to be seen in this context and accordingly, the same would be applicable to land having a gradient of 1:10 or more which is equivalent to 10% or more.

Slope Analysis

In order to examine and understand the topography of the area, slope analysis is resorted to.

The slope analysis of a hill is based on the contour data (i.e. which is obtained from the maps prepared by the Survey of India. These maps are restricted maps used by this Department. The slope of an area is worked out based on the ratio of difference between the highest and lowest altitude point of the place (i.e. rise in linear measurement) to the horizontal distance measured between the highest and lowest altitude points (i.e. run in linear measurement). The larger rise and the shorter run, the steeper is the slope. Generally, slope is represented in terms of gradient percentage (%) or in terms of the angle of slope from the horizontal.

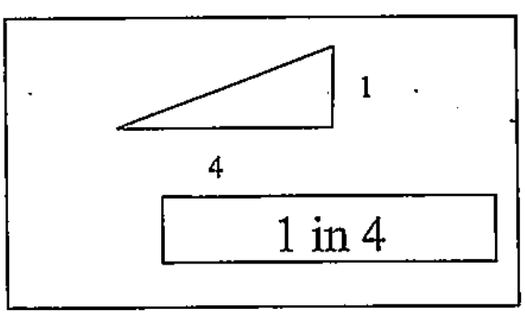
Table '1' shows examples of slopes in terms of gradient percentage and slope angles.

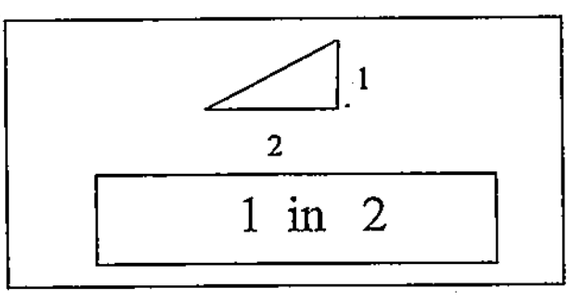
Table 1

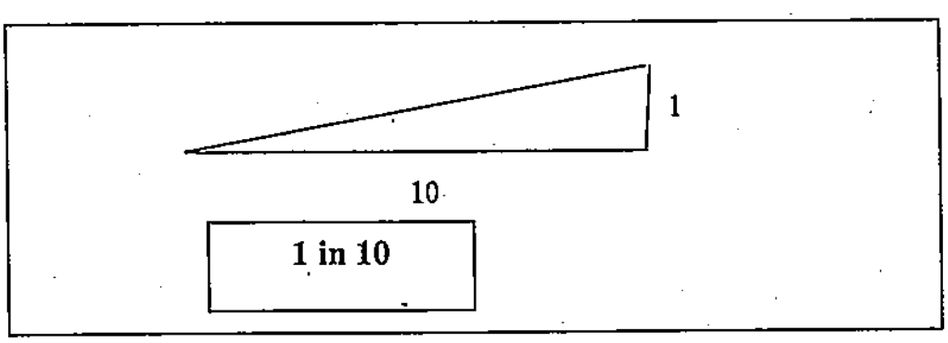
Slopes expressed as Gradients, Percentages and Angle from horizontal

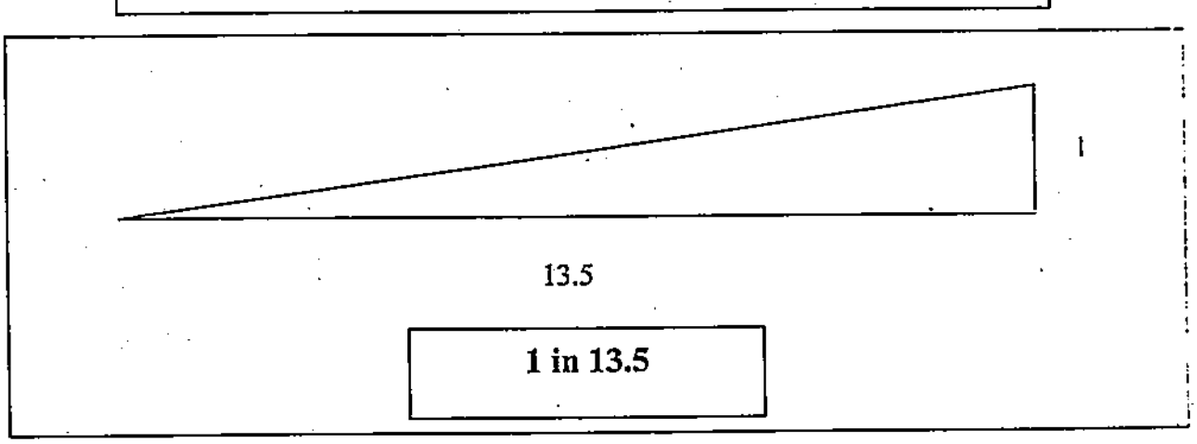
Gradients	Percentages	Angle from horizontal	Remarks
1 in 13	7.69%	4.40°or 4°13′	Not considered hill as defined under section 17A of the Goa TCP Act, 1974
1 in 10	10 %	5.7° or 5°42′	Gradient wherein development is permitted and NOC for cutting of hill is required.
1 in 4	25 %	14.0° or 14°	
1 in 2	50 %	26.6° or 26°36′	No development is permitted

Sketch showing the gradients









Methodology

The methodology followed by the office at the time of issue of permission.

The Survey of India Topographical sheet referred was 48E/15/NW, first edition, surveyed in 1990-91, published in 1993, a Restricted document and the copy rights are held by Government of India.

The slope analysis of the land in question was carried out based on the Survey of India (SOI) Topographical sheet in scale 1:25000 with contour intervals at 5 metres.

As per the Survey of India (SOI) Topographical sheet the overall slope varies from about 19% to 24%.

The slope is calculated by taking into consideration the contours at different locations/sections and the permissions are granted accordingly for the areas within permissible slope of 25%.

The slope analysis is totally based on the SOI Topographical sheet which is an authenticated document of the Government of India and no physical survey was carried out to verify the spot levels/contours.

The same methodology is used for all the cases received for cutting of sloppy land before issue of permission under section 17A by referring the relevant Survey of India Topographical Sheet.

29-01-2010

Overseer(HQ) **Dy. Town Planner (HQ)**

Chief Town Planner

RECEIVED
No.....Dt.....Sign.....

सत्यमेव जयते

भारत सरकार
पर्यावरण एवं वन मंत्रालय
GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT & FORESTS
क्षेत्रीय कार्यालय (दक्षिण वलय)
Regional Office (Southern Zone)
Kendriya Sadan, 4th Floor, E&F Wings, 17th Main Road,
2nd Block, Koramangala, Bangalore - 560 034.

No.:
तार : पर्यावरण, बेंगलूर
Telegram : PARYAVARAN BANGALORE
दूरभाष :
Telephone :080-25635901
Fax : 080-25537184.

To

No.EP/12.7/14/GOA/8687
4th March 2011

1. M/s. Goa Foundation
G-8, Saint-St.Britto Apartments
Feira Atta Mopusa
Goa -403 507

2. M/s. Sharavathi Builders & Construction
Pvt Ltd., G-1A, Dhawandeep Building,
6-Janthar Manthar Road
New Delhi-110 001.

Sub : W.P.No.13/2010 (Goa Foundation V/s. M/s. Sharavathi Builders & Construction Pvt. Ltd.,) -reg.

**

With reference to the above mentioned subject, a technical committee constituted by the Ministry of Environment & Forests is visiting the project site on 9.3.2011 at 10.30 am. Kindly make it convenient to be present during the site visit along with relevant records.

(K.S. REDDY)
Chief Conservator of Forests (Central)
Regional Office (SZ), Bangalore

3780 3042 393 3180

IN THE HIGH COURT OF BOMBAY AT GOA

Writ Petition No. 13/2010

Goa Foundation & Anr .... Petitioner

V/s

Saravati Builders and Constructions Pvt. Ltd. and Ors. .... Respondents

AFFIDAVIT

I, Shri M. K. Shambhu, IFS, Deputy Conservator of Forest, major of age, Indian National, having my office at Ponda, Goa, do hereby on solemn affirmation state and submit as under: -

1. I am presently posted as Dy. Conservator of Forest, South Goa Division, Forest Department, Government of Goa. I have read the contents of the petition and its annexure and I have understood the same. I am filing this affidavit for the limited purpose of placing on record the report as directed by this Hon'ble Court.

2. I say that, as directed, a report dated 22/02/2010 has been prepared and the same is annexed and marked herewith as **Exhibit A.**

I say that whatever is stated in the above paragraphs is true to my knowledge.

1) Not directed by HC
Report back not verified

Solemnly affirmed at Panaji
On this 15th day of March, 2010

Deponent

Identified by:

(Adv. Abhijeet A. Kamat)

378 P 379 384 378P

REPORT

Case :- W.P.(c) No 13 /2010 in the Hon'ble Court, Bombay, Goa Bench, Panaji
Goa Foundation & Others.

V/s.

M/s. Saravati Builders & Construction Pvt. Ltd., & others.

1. The matter primarily pertains to developmental activities by M/s. Saravati Builders and Construction Pvt. Ltd. in Sy. No. 43/1-A. of Dabolim Village.
2. The Sy. No. 43/1-A. of Dabolim is not a notified Government Forest. It is a private property. Two State Level Expert Committees were formed by the State Government to identify forests in private areas. Sy. No. 43/1-A was not identified as private forest by the said Committees.
3. Under Goa Daman & Diu Preservation of Tree Act. 1984. Private land holders cannot fell trees on their lands without approval of the Tree Officer. For South Goa District, the Deputy Conservator of Forests, South Goa Division at Margao is the Tree Officer.
4. Mr. Ravi Rajan for M/s. Saravati Builders and Constructions (Pvt) Ltd. applied for tree felling permission for felling 47 nos. of trees vide application dated 25.06.2008. After inspection, the permission to fell 47 nos. of trees was given vide this office order dated. 12.09.2008 by the then Tree Officer (also Deputy Conservator of Forests, South Goa Division, Margao) with a condition to plant 235 nos. of trees. The trees were not felled within the prescribed time limit and hence the applicants asked for extension of time vide letter dated. 23.10.2008 and the same was granted on 03.11.2008.

   In a second application dated. 07.10.2008. the same applicant applied for felling of 59 Nos. of trees from the same Sy. No. i.e. 43/1-A of Dabolim village. The Tree officer give permission for felling 45 nos. of trees vide order dated. 28.05.2009 with a condition to plant 225 nos. of trees. Subsequently extention of time to fell the same was asked on 02.07.2009 which was granted on 09.07.2009.

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Inquiry

5. Tree felling permission is given by the office of the Tree officer only after visiting the field and verifying the vegetation. If the vegetation meets the criteria of forest then tree felling permission is not given.
6. The site has been verified subsequently many number of time by the officers and staff of this office to detect/prevent violations from forestry point of view. A joint inspection was also conducted by the undersigned by involving Mr. Claude Alvares, of Goa Foundation and others to allay fears of blatant violation of Forest related Acts/Rules. An offence for felling 6 extra trees (volume of 14m3 firewood) has been registered against the applicants in the said Survey Number under Preservation of Trees Act applicable for private areas where FCA is not applicable.
7. The tree felling permissions have been given to M/s. Saravati Builders and Constructions (P) Ltd. as per the Provision of Goa, Daman & Diu Preservation of Trees Act, 1984. As per the conditions put in the permission orders, the planting of trees will be ensured by the Forest Department.

There is no foul play on part of the Forest Department and the tree felling permissions have been given by the then Tree officer as per the provisions of law.

Submitted for kind persual please.

(Mahesh Kumar Sambhu)
Deputy Conservator of Forests & Tree Officer
South Goa Forest Division
Margao- Goa.

Date :- 22.02.2010.
Place:- Margao- Goa.

Also filed at page 399

1) Nowhere is forest depicted
2) There were 3 permissions
3) Tree felling unrelated to FCA
Wrong / false statement
4) Violation from forestry point of view
5) No further felling will be permitted

IN THE HIGH COURT OF BOMBAY AT PANAJI, GOA

Writ Petition No.13/2010

Goa Foundation and Anr. ... Petitioners

Versus

M/s Saravati Builders and
Construction Private Limited
& Ors. ... Respondents

NOTARY
Adv. Ashok G. Naik
Judicial Senior Division
Mormugao
Reg. No : 121/2000
GOVT. OF GOA (INDIA)

AFFIDAVIT-IN-REPLY ON BEHALF OF THE RESPONDENT NO.2 TO THE AFFIDAVIT DATED 22ND APRIL, 2010, FILED BY THE PETITIONERS

I, Anand Chandra Bose, aged about 35 years, son of late Mr. Nitish Chandra. Bose, residing at 801, Anand Square, Baina, Vasco-da-Gama, Goa., do hereby on solemn affirmation, state and submit as under:

1. I state that this Respondent was served with a copy of the Affidavit dated 22nd April, 2010, and I am filing this Affidavit in response thereto. I state that I am not dealing with each and every averment / contention raised in the Affidavit dated 22nd April, 2010, and the averments / contentions which have not specifically been dealt with and/or denied by me may not be taken as having been

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admitted by me. I further repeat and reiterate what has already been stated by me in my earlier Affidavit-in-Reply dated 22nd February, 2010.

2. I state that in paragraph 2 of Affidavit dated 22nd April, 2010, the Petitioner has relied upon the Draft Regional Plan for Marmagoa Taluka. I state that the said area in question i.e. Survey No.43/1 falls under the Outline Development Plan of Marmagao, being a planning area. I therefore state that the reliance placed upon the Draft Regional Plan is wholly inapt and inconsequential in the facts and circumstances of the present case. In any event of the matter, assuming without in any way admitting that the said Draft Regional Plan is applicable, the said Draft Regional Plan relied upon by the Petitioner clearly shows that the Survey No.43/1 falls in the **'Settlement'** and not in the **'No Development Slope'** as has been sought to be contended by the Petitioner without prejudice to the aforesaide. I state that in any event of the matter the said Regional Plan has been prepared at a scale of 1 : 25,000 and therefore it is extremely difficult to pin point as to whether the survey number in question is on a slope or otherwise and the said contention is evident from paragraph 3 of the Affidavit dated 22nd April, 2010 where the Petitioner has stated that the said location is an approximate location.

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3. I state that in paragraph 4 of the Affidavit dated 22nd April, 2010, the Petitioner has relied upon Tree Felling Permission dated 28/05/2007 and the Bond which was signed for availing of the said Permission. I state that the said Bond which was signed by me is a standard format available with the Forest Department and a person requiring permission to fell trees is required to give the Bond in the prescribed format and no other format. The Bond itself makes it clear that the description 'forest land' used in the said Bond has not been used in its legal sense but has been used to describe the property which fact is evident from paragraph 3 of the said Bond wherein in the bracketed portion it has been stated that the property shall be hereinafter be called 'forest land'. It is thus obvious that the expression 'forest land' used in the said Bond is not a legal expression but has been used to describe a particular property. I therefore state that the said expression 'forest land' used in the said Bond can in no way be used to demonstrate that actually and factually, the said land is a forest land. I state that if at all the said land was forest land the Deputy Conservator of Forests would never have accorded permission for felling of trees therein for the purpose of development. As regards the Notings wherein it has been mentioned the slope of the property is approximately 20 to 25 degrees, I state that the said Notings cannot be

GOVT. OF GOA (INDIA)
Ashok G. Naik
Judicial Senior Division
Marmugao
Reg. No : 121/2000

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brought in aid to demonstrate the gradient of the land inasmuch as the said Noting is of the Forest Department and the Nothing must have been made on visible inspection of the land rather than on calculation of the actual gradient. I state that in any event of the matter, the said gradient is within the permissible limit. I state that in my earlier Affidavit dated 22nd February, 2010. I have amply demonstrated that Survey No.43/1 is not at all a slopey land and I carve leave to refer to and rely upon the said Affidavit to rebut the contentions raised in paragraph 4 of the Petitioner's Affidavit dated 22nd April, 2010.

I state that whatever has been stated hereinabove is true to my knowledge

Solemnly affirmed at Vasco / ~~Panaji~~, Goa }
this 26th day of April, 2010 }

DEPONENT

Identified by me:

Solemnly affirmed before me by
Anand Chandu Borkar
Who is identified to me by
....
Who is personally known to me
this... 26th **...** day of ..April...2010
Reg. No. 945/26/4/10 ...

26/4/2010
(ASHOK G. NAIK)
NOTARY
VASCO-DA-GAMA
STATE OF GOA (INDIA)
Reg. No 945/26/04/10

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IN THE HIGH COURT OF BOMBAY AT GOA

Writ Petition No. 13/2010

Goa Foundation & Anr. .....Petitioner

V/s.

Saravati Builders and Constructions
Pvt. Ltd. and Ors. .....Respondents

ADDITIONAL AFFIDAVIT

I, Shri Morad Ahmad, major of age, Chief Town Planner, Town and Country Planning Department, having office at Panaji Goa, do hereby on solemn affirmation state and submit as under: -

1. I have filed a report by my affidavit 01/02/2010 and further report vide my affidavit 15/3/2010 in view of the counter affidavit of Petitioner, I am filing this additional affidavit.

2. I say that under the law, no development permission can be granted if a property has a gradient of more than 25%. I say that the permission under Section 17A of Town & Country Planning Act is granted to Respondent No.1 is in respect of parts of the property where the gradient does not exceed 25%. In my report I have stated that the slope analysis of land in question is carried out of Survey of India topographical sheet and that as per the records the slopes varies from 19% to 24%.

The Survey of India topographical sheet is an authenticated document of Government of India and urged in all cares

wherever permission are sought for cutting of sloppy lands. Same procedure has been followed in present case.

3. It is true that I had appointed a three members Committee by order dated 19/12/2010 to conduct a site inspection and survey the property.

4. I say that the Surveyor Shri Prakash Gudekar was appointed by Petitioner and he was required to survey the property in presence of other committee members. Shri Prakash Gudekar. carried out the survey work on 11/12/2009 and 14/12/2009. The Surveyor was informed by letter dated 20/1/2010 to submit the spot levels taken by members duly signed by him but Surveyor never responded. In the meantime the letter was received from Save Our Slopes enclosing the said report dated 15/12/2009. In this report, the Surveyor records of spot levels taken along various boundaries whenever possible and states that along the northern boundary where intermediate levels could be taken the gradient its 34%. It is therefore the Surveyor was sought to the called along with levels and chainage taken but he did not respond.

5. Therefore, a fresh site inspection Committee was consulted to submit a report to this Hon'ble Court and accordingly 2 reports have been filed.

7. As regards to the lapse of marking of red flags, the fact already finds a mention in my report.

8. I say that in the Outline Development Plan notification by Marmagao Planning Development Authority the property has been shown as being in settlement zone. In fact the Petitioner have also challenged the Outline Development Plan notified by Marmagao Planning Development Authority.

9. I deny that the gradients are being determined as per subjective assessment. I once again submit that of Survey of India topographical sheet prepared by expert are been utilized to determine gradients.

I say that whatever is stated above in paragraphs 1 to 8 is true to my knowledge, based on records available in the office of this Respondent and the contents of the remaining paras are my submissions.

BOMBAY AT GOA
PANAJI

Solemnly affirmed at Panaji
On this 27th day of April, 2010

Deponent

Solemnly affirmed before me by Shri Manad Ahmad who is identified before me by Adv Abhijeet Kamat whom I personally know.

Dated this 27th day of April 2010

Section Officer
High Court of Bombay at Goa
Panaji (Goa)

Identified by:-

Advocate
(Abhijeet A. Kamat)

(unnumbered) X 1

MORMUGAO PLANNING & DEVELOPMENT AUTHORITY
Commerce Centre, IInd Floor,
Vasco da Gama

LIST OF THE CASES APPROVED IN THE PROPERTY BEARING SY.No.43/1 IN PLOT NO.5 OF DABOLIM VILLAGE WITHIN THE JURISDICTION OF VILLAGE PANCHAYAT OF CHICALIM OF MORMUGAO TALUKA

Sr. No.	Approval No.	Name of the Applicant	Plot No.	Use	Remarks
1	MPDA/ 9-L-8/09-10/1370 dtd.28/10/2009	Mr. Dinesh D. Lokapure R-16	Plot No.7	Single-family dwelling & Comp./Wall	Under construction
2	MPDA/9-F-56/08-09/1427 dtd.27/11/08	Mrs.Filomeno Fernandes & Ors.	Plot No.6	Single-family dwelling & Comp./Wall	Completion Certificate issued vide No.MPDA/ 9-F-56/09-10/1168 dtd.14/12/09
3	MPDA/9-P-80/09-10/256 dtd.19/5/09	Mr.Eknath S. Parab R-43	Plot No.40	Single-family dwelling & Comp./Wall	Under construction
4	MPDA/9-K-78/08-09/1466 dtd.2/12/08	Mr.Santosh Kumar V.K. R-24	Plot No.13	Single-family dwelling & Comp./Wall	Under construction
5	MPDA/9-W-4/09-10/1703 dtd.22/12/09	Mr. Suraj N. Wagmode R-20	Plot No.12	Single-family dwelling & Comp./Wall	Under construction
6	MPDA/9-Y-5/09-10/1414 dtd.3/11/09	Mr.Kishan Kumar Yadav R-34	Plot No.30	Multi-family dwelling & Comp./Wall	Under construction
7	MPDA/9-S-85	Mr.Mohan P.Sawant R-47	Plot No.41	Single-family dwelling & Comp./Wall	Approval under process

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IN THE HIGH COURT OF BOMBAY AT GOA

Writ Petition No.13/2010

Goa Foundation & Anr. .....Petitioner

V/s.

Saravati Builders and Constructions
Pvt. Ltd. and Ors. .....Respondents

AFFIDAVIT

I, Shri M. K. Shambhu, IFS, Deputy Conservator of Forest, major of age, Indian National, having my office at Margao, Goa, do hereby on solemn affirmation state and submit as under: -

1. I say that I have filed an affidavit dated 15/03/2010 placing on record a report in respect of the property which is subject matter of this Petition. The Petitioner have filed the counter affidavit in response to my affidavit, hence I am filing this further affidavit.

2. I say that in the Writ Petition, the Tree Officer and Deputy Conservator of Forest, South has been made a Respondent. The Petitioner makes a mention about permission granted for cutting of tree and it is also contended that property which is subject mater of Writ Petition is a forest land. Being a party Respondent to the Writ Petition, I am required to respond to the Petition and place the stand of the Forest Department on record. Accordingly, I have prepared the report dated 23/2/2010 and submitted to this Hon'ble Court.

3. The Petitioners are raising technical issues in reply and are making capital of my statement then the report is filed as directed and seems to be an unsolicited report.

4. Once a party is Respondent and is on notice, the party is entitled to file an affidavit. Infact when Petitioner contends that the land is forest land, this issue can be clarified only by Forest Department and it is surprising that Petitioner are taking exception to the report filed by Forest Department.

5. I say that words, "as directed" have appeared by misadvertence.

6. I say that the report dated 22/2/2010 submitted to this Hon'ble High Court is factually correct and pertains to survey no. 43/1-A because this public interest litigation filed primarily to challenge the approvals and developmental work in survey no. 43/1-A. Hence there was mention of two tree felling permissions granted by the Forest Department dated 12/9/2008 and 28/5/2009 in survey no. 43/1-A to the Respondent No. 1.

I say that permission was granted to the Respondent No. 2 on 28/5/2007 for felling of 73 trees in survey no. 43/1. It is submitted that the area where this permission was granted does not over-lap with the area in survey no. 43/1-A where subsequently two tree permissions were sought.

I say that all the allegations made in the counter affidavit are denied and it is reiterated that tree felling permissions in

survey no. 43/1-A and 43/1 were given by the then officer as per existing rules and regulations. It is further submitted that the area in survey no. 43/1-A and 43/1 are private properties and do not constitute any government forest nor have they been identified as private forests by the State Level Expert Committees.

7. I say that 92 trees have been permited to fell in Survey No. 43/1-A with condition to plant 460 trees. The permission has been granted under the provisions of Goa Town and Country Planning Act, 1994 and only after ensuring that 5 times the trees would be planted.

8. I say that infact when the permission was granted there was a inspection carried out and Range Forest Officer has clearly recorded on file, that the area does not meet the criteria of forest. I rely upon the records maintained by my office.

9. I reiterate and maintain my statement that no permission to fell tree is given if property meets the existing of forest. As regards to the examples cited by Petitioner I crave leave to refer to the documents annexed by the Petitioner to make my submissions.

10. I deny that I had confirmed to Claude Alvares that the area was forest, as alleged, at the time of site inspection in December 2009. I deny that my report dated 22/2/2010 is degenerated and it avoids earlier observations. The earlier report was prepared before the Writ Petition was filed. The

present report is filed in response to the allegations made in this Writ Petition.

11. I deny that there are any misleading documents filed by me.

I say that whatever is stated above in paragraphs 1, 2, 3(Pt), 4(Pt), 5, 6(Pt) and 7 to 9 is true to my knowledge, based on records available in the office of this Respondent and the contents of the remaining paras are my submissions.

Solemnly affirmed at Panaji
On this 27th day of April, 2010 Deponent

Identified by:-

Advocate
(Prachan Talaulikar)

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IN THE HIGH COURT OF BOMBAY AT GOA
PANAJI BENCH

Writ Petition No:- 13 of 2010

Goa Foundation , through its Secretary
Dr. Claude Alvares & Anthrs ... Petitioner

V/s

M/s Saravati Builder &
Construction Pvt Ltd & Othrs ... Respondents

AFFIDAVIT IN REPLY OF REPONDENT NO 13

I, FAIZAL HAMMED SHAH, s/o T .A. Hammed , aged 32 years, businessman , presently resident of 1st floor, Al-Noor Building, near 1st water tank, New Vaddem, Vasco Da Gama, Goa do hereby on solemn oath state as under:-

1. I say that I am respondent no 13 in the present petition.
2. I say that I had agreed to purchase plot no 3 vide Agreement for Sale dated 15/5/2007 duly registered with the sub registrar of Mormugao under reg no 788, at pages 47 to 66, Book I, volume 697, which plot is part & parcel of bigger property CAPELLABATTA BAMBATTE e CAMOTILEM also known as COPELA BHATTA or BAGI BALA situated at Dabolim , surveyed under survey no 43/1 of Dabolim Village.Copy of Agreement for Sale dated 15/5/2007 is annexed hereto as **Annexure I.**
3. I say that I along with my wife sold the said plot no 3 to M/s A.S. Construction & Developers a partnership firm of Sajjad Hussain resident of flat no T-2, Block-I, Adarsh Nagar, Airport Road, Chicalim, Goa & Mohammed Aarif Bhati resident of Teleyan Mohala, near Bisav Gate, ward no 9, Ramgarh Sekhawati, Dist Sikal, Rajasthan vide Deed of Sale dated 15/10/2008 duly

NOTARY GOVT. OF GOA ★ ★ JULIANA G. SHETYE MORMUGAO Judicial Division Reg No 1592

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registered with the sub registrar of Mormugao under reg no 1569, at pages 87 to 113, Book I, volume 894.Copy of Deed of Sale dated 15/10/08 is annexed hereto as **AnnexureII**.

4. I say that Since I have sold the plot no 3 to M/s A.S. Construction & Developers, I am not at all a necessary part to the present petition bearing no 13 of 2010 before this Hon'ble court.
5. I therefore pray that I may be discharged from the present writ petition being not a necessary party to the proceedings.
6. I say that the contents of this affidavit from para nos 1 to 5 are true to my own knowledge.

Solemnly affirmed as above on this the 2nd day of July 2010 at Vasco Da Gama, Goa.

Identified By:-

Driving licence no GA-06R 2006-0067124

The Deponent

Sworn/Solemnly affirmed before me
by deponent herein
who is known to me/identified
by driving licence GA-06 R-2006-0067124

2/7/10

ADV. ULHAS G. SHETYE
NOTARY
Melquiedes Bldg. 3rd Floor,
Fr. Joseph Vaz Road,
Vasco-da-Gama, GOA-403 802
Regn'r 3192/2010

392

IN THE HIGH COURT OF BOMBAY AT GOA
PANAJI BENCH

Writ Petition No:- 13 of 2010

Goa Foundation , through its Secretary
Dr. Claude Alvares & Anthrs ... Petitioner

V/s

M/s Saravati Builder &
Construction Pvt Ltd & Othrs ... Respondents

AFFIDAVIT IN REPLY OF REPONDENT NO 14

I, SAFIYA HANEEF, w/o Thota Haneef , aged 46 years, businessman , presently resident of 1st floor, Al-Noor Building, near 1st water tank, New Vaddem, Vasco Da Gama, Goa do hereby on solemn oath state as under:- - Safiya

1. I say that I am respondent no 14 in the present petition.

2. I say that I had agreed to purchase plot no 4 vide Agreement for Sale dated 15/5/2007 duly registered with the sub registrar of Mormugao under reg no 789, at pages 67 to 86, Book I, volume 697, which plot is part & parcel of bigger property CAPELLABATTA BAMBATTE e CAMOTILEM also known as COPELA BHATTA or BAGI BALA situated at Dabolim , surveyed under survey no 43/1 of Dabolim Village.Copy of Agreement for Sale dated 15/5/2007 is annexed hereto as **Annexure I.**

3. I say that I along with my husband sold the said plot no 4 to M/s A.S. Construction & Developers a partnership firm of Sajjad Hussain resident of flat no T-2, Block-I, Adarsh Nagar, Airport

Safiya

NOTARY GOVT. OF GOA ULHAS G SHETYE MORMUGAO Judicial Division Reg No 15/92

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Road, Chicalim, Goa & Mohammed Aarif Bhati resident of Teleyan Mohala, near Bisav Gate, ward no 9, Ramgarh Sekhawati, Dist Sikal, Rajasthan vide Deed of Sale dated 15/10/2008 duly registered with the sub registrar of Mormugao under reg no 1570, at pages 114 to 137, Book I, volume 894.Copy of Deed of Sale dated 15/10/08 is annexed hereto as **AnnexureII.**

4. I say that Since I have sold the plot no 4 to M/s A.S. Construction & Developers, I am not at all a necessary part to the present petition bearing no 13 of 2010 before this Hon'ble court.

5. I therefore pray that I may be discharged from the present writ petition being not a necessary party to the proceedings.

6. I say that the contents of this affidavit from para nos 1 to 5 are true to my own knowledge.

Solemnly affirmed as above on this the 2nd day of July 2010 at Vasco Da Gama, Goa.

Identified By:-

The Deponent

Affirm/Solemnly affirmed before me by Deponent herein who is known to me/identified by

2/7/2010

ADV. ULHAS G. SHETYE
NOTARY
Malquied 3rd Floor,
Fr. Joseph Vaz Road,
Vasco-da-Gama. GOA-403 802.

Regno:- 3197 2010

894

IN THE HIGH COURT OF BOMBAY AT GOA

PANAJI BENCH

Writ Petition No:- 13 of 2010

Goa Foundation, through its secretary
Dr. Claude Alvares & Anrths ... Petitioner

V/s

M/s Saravati Builders and
Construction Pvt Ltd & Othrs ... Respondents

AFFIDAVIT IN REPLY OF RESPONDENT NO 17

I, **SHAMSHAD SAYYED**, w/o ThotaSayyed, aged 41 years, housewife, resident of 3rd floor, Al-Noor Building, near 1st water tank, New Vaddem, Vasco Da Gama, Goa do hereby on solemn oath state as under:-

1. I say that I am respondent no 17 in the present petition.
2. I say that I had purchased plot bearing no 8 SHAMSHAD vide Deed of Sale dated 30/10/08 duly registered with the sub registrar of Mormugao under registration no 1652, at pages 19 to 36, Book I , volume 900, which plot is part and parcel of bigger property CAPELLABATA BAMBATTE e CAMOTILEM also

SHAMSHAD

known as COPELA BHATT or BAGI BALA situated at Dabolim bearing survey no 43/1 of Dabolim Village. Copy of the Deed of Sale dated 30/10/08 is annexed hereto as ANNEXURE I.

3. I say that I along with my husband sold the said plot no 5 to Sandeep Janardan Halarnekar, resident of House no 141-F, Green Valley, Chicalim, Goa vide Deed of Sale dated 11/2/2009 Copy of the Deed of Sale dated 11/2/09 is annexed hereto as ANNEXURE II.

SHAMSHAD

4. I say that since I have sold the plot no 5 to Sandeep Janardan Halarnekar , I am not at all a necessary party to the present writ petition bearing no 13 of 201o before this Hon'ble Court.

5. I therefore pray that I may be discharge from the present writ petition being not a necessary party to the proceedings.

6. I say that contents of this affidavit from para nos 1 to 5 are true to my own knowledge.

Solemnly affirmed as above on this the 2nd day of July 2010 at Vasco Da Gama, Goa.

SHAMSHAD

The Deponent

sworn/Solemnly affirmed before me by deponent herein who is known to me/identified by

2/7/2010

NOTARY
Dr. DAMAS G. SHETYE
Reg No:- 3196/2010
Malaviadee bldg 1st Floor,
Fr. Joseph Vaz road,
Vasco-da-Gama, GOA-403802

PAGES 396 + 397

NOT THERE

IN THE HIGH COURT OF BOMBAY, AT GOA

WRIT PETITION NO. 13/2010

GOA FOUNDATION, through its)
Secretary, Dr. Claude)
Alvares and another.) ..... PETITIONERS.

VERSUS

M/S. SARAVATI BUILDERS)
AND CONSTRUCTION PVT. LTD.)
and others.) ..... RESPONDENTS.

I N D E X

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1.	ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT NO.1.	398-401
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Place:-Panaji-Goa.

Dated:-8/1/2011.

Advocate for Respondent No.1.

NOTARY
WILFRED A. F. BOADITA
PANAJI - GOA
Reg. No. 41/91
GOVT. OF GOA. (INDIA)

IN THE HIGH COURT OF BOMBAY, AT GOA

WRIT PETITION NO. 13/2010

GOA FOUNDATION, through its Secretary, Dr. Claude Alvares and another. ..... PETITIONERS.

VERSUS

M/S. SARAVATI BUILDERS AND CONSTRUCTION PVT. LTD. and others. ..... RESPONDENTS.

ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT NO.1.

I, Ravi Rajan, aged 55 years, Indian National, the authorized signatory on behalf of the Respondent No.1 above named, having office at Campal, Panaji-Goa, do on solemn affirmation state and submit as under:-

(1) I say that the Ministry of Environment & Forests vide communication No.21-192/2008-IA.III dated 15/4/2010, was pleased to keep the Environment Clearance issued on 11/1/2010 in abeyance until detailed

reexamination of the Project in the light of the issues raised in Writ Petition No.13/2010.

A copy of the said communication dated 15/4/2010 is hereto annexed and marked as "ANNEXURE I" to this Additional Affidavit.

(2) I say that thereafter proceedings were held by the Expert Appraisal Committee (EAC) for the purpose of detailed reexamination and in such proceedings, the Petitioner Goa Foundation, were also offered opportunity to put forth its views, which opportunity was duly availed by the Petitioners and Goa Foundation. Upon detailed reconsideration of the Project, the Expert Appraisal Committee at its meeting held on 9th-10th of November, 2010 has found that there is no infirmity found in the Environmental Clearance dated 11/1/2010 issued under the E.I.A. Notification 2006. This was formally communicated to the Respondent No.1 vide communication No.21-192/2010-IA.III dated 4/1/2011 by the Ministry of Environment & Forests.

A copy of such communication dated 4/1/2011 as marked to the Respondent No.1, is hereto annexed and marked as "**ANNEXURE II**" to this Additional Affidavit.

(3) I say that I crave leave to file the present Additional Affidavit for the purposes of placing the aforesaid facts and circumstances on record.

(4) I say that what is stated by me in Paragraphs 1, 2 and 3 of the above Additional Affidavit is true to my own knowledge being based upon the documents as aforesaid, which I believe to be true.

Solemnly affirmed at Panaji-Goa, on)
this 8th day of January, 2011.)

DEPONENT

Identified by me:

Advocate for Respondent No.1.

SOLEMNLY AFFIRMED AND VERIFIED
BEFORE ME BY Rani Rajan
as above
REG. No. 390/2011 DATED 08-01-2011

WILFRED A. F. BOADITA
NOTARY AT PANAJI
STATE OF GOA - INDIA

ANNEXURE "I"

402

No. 21-192/2008-IA.III
Government of India
Ministry of Environment & Forests

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 003.

Dated: 15th April, 2010.

To
M/s. Saravati Builders & Constructions Pvt. Ltd.,
I-1A, Dhawan Deep Apartments,
6, Jantar Mantar Road,
New Delhi – 110 001.

Subject: **Construction of Dabolim Apartments and Club House at Plot No. 1, 2, 3, 4, Survey No.43/1, village Dabolim, Mormugao Taluka, South Goa by M/s. Saravati Builders and Constructions Pvt. Ltd. – Reg.**

Reference: **Environmental Clearance letter vide No.21-192/2008-IA.III, dated 11.01.2010.**

Dear Sirs,

This Ministry has received a W.P.No. 13/2010 in the High Court of Goa in the matter of Goa Foundation Vs. M/s. Saravati Builders and Constructions Pvt Ltd and others in which Ministry is also one of the respondent.

In the Writ Petition, the petitioner has raised the following issues :

(ii) Whether the entire project area is a private forest land.
(iii) whether the cutting of hill slopes on such a gradient more than 25° is not permissible as per town and country planning rules.
(iii) Whether for the implementation of the projects requires cutting of large no. of trees on a steeply sloping terrain is ecologically sensitive area as per the Committee on identifying parameters for designing ecological sensitive in India.

The above issues are important and require detailed re-examination of the project. In the meantime, you are directed not to proceed for the construction of group housing in the aforesaid plot till a detailed examination of all the issues raised in the Writ Petition are re-examined by the Expert Appraisal Committee / Ministry.

I have been directed to inform you therefore that the Environmental Clearance issued on 11.01.2010 shall be kept in abeyance till the final decision in the matter is taken by the Ministry.

Yours faithfully,

(Bharat Bhushan)
Director (IA-III)

Copy to:

1. The Secretary, Department of Environment, Government of Goa, Panjim, Goa.
2. The Member Secretary, Goa Pollution Control Board, Dempo Tower, 1st Floor, Patto Plaza, Panjim, Goa - 403 001.
3. The CCF, Regional Office, Ministry of Environment & Forests(SZ), Kendriya Sadan, IVth Floor, E&F wings, 17th Main Road, Koramangala II Block, Bangalore – 560 034.
4. IA - Division, Monitoring Cell, MOEF, New Delhi - 110003.
5. Guard file.

(Bharat Bhushan)
Director (IA)

ANNEXURE "II" 404

No. 21-192/2010-IA.III
Ministry of Environment & Forests
Government of India
(IA.III Division)

Paryavaran Bhavan
CGO. Complex, Lodi Road
New Delhi - 110 003

Dated 4.1.2011

To

Sh. Carlos Alvares Ferreira
Asst. Solicitor General of India
1st Floor, Camila Bulding
D.Joao Crasto Road
Opp. Keni's Petrol Pump
Panaji - 403 001 (Goa)

Subject: W. P. No. 13/2010 (Goa Foundation V/s M/s. Saravathi Builders & Construction Pvt. Ltd) –regarding.

Sir,

This is in continuation to our earlier communication dated 26.11.2010 on the above mentioned petition.

2. It may be mentioned that the Expert Appraisal Committee (EAC) at its meeting held on 9-10th November, 2010 had found that environmental clearance dated 11.1.2010 has been issued under EIA Notification, 2006, i.e. there is no infirmity found in the clearance.

3. As regards the local clearances, the EAC has rightly mentioned that it concerns the local bodies.

4. Therefore, the Ministry accepts the recommendations made by the EAC. Ministry will be abide by the decision of Hon'ble High Court in the matter and accordingly decide on lifting the abeyance order thereafter.

You are requested to inform the court accordingly.

Opinions - must be disregarded
Bias - Copy to Resp
not to Pet

Yours faithfully,

(E. Thirunavukkarasu)
Deputy Director (IA.III)

Copyto:

1. Dr. S. K. Susarla, Director, Regional Office, Ministry of Environment & Forests (SZ), Kendriya Sadan, IV Floor, E&F Wings, 17th Main Road, Koramangala-II Block, Bangalore – 560 034.

2. M/s. Saravati Builders & Constructions Pvt. Ltd, G-1A Dhawandeep Building, 6-Jantar Mantar Road, New Delhi – 110 001 ,

(E. Thirunavukkarasu)
Deputy Director (IA.III)

IN THE BOMBAY HIGH COURT AT GOA.

Writ Petition No. 13/2010

Goa Foundation ..... Petitioner

V/s

M/s. Sarawati Builders & Construction Pvt. Ltd. & Ors ..... Respondents

AFFIDAVIT ON BEHALF OF RESPONDENT NO. 9

I, Dr. S.K. Susarla daughter of Shri. S.S. Sastry, major of age, Indian National, Director, Ministry of Environment and Forests, Regional office, Southern Zone, Bangalore -560 034 do hereby solemnly state on oath and affirm as under:

1. I am filing the present affidavit to place on record subsequent developments which have taken place pursuant to the communication no. 21-192/2008-IA-III dated 15.04.2010 incorporated in the Order of this Hon'ble Court dated 27.04.2010.

2. I say that hearings were conducted by Expert Appraisal Committee (EAC) initially on 21st to 23rd July, 2010 in connection with this matter. The respective parties viz. the Petitioner and the Respondent No. 1 were given an opportunity to present their submissions in this regard, which has been recorded by the EAC. The relevant extract of the minutes of this meeting of EAC is at Annexure R-1 hereto.

3. Pursuant to the recommendation of EAC, vide letter no. 21/192/2008-IA-III dated 27.08.2010, communication was addressed to the Chief Town Planner, Town and Country Planning Department of the Government of Goa seeking information as contained therein, copy whereof is annexed hereto and marked as **Annexure R-2**.

4. Subsequently vide letter no. 21-192-2008/-IA-III dated 27.09.2010, the Chief Town Planner, Town and Country Planning Department of Government of Goa was also requested to examine at site and inform the slopes and permissibility of construction, copy whereof is annexed hereto and marked as **Annexure R-3**.

5. On receipt of the response from Chief Town Planner, Town and Country Planning Department of Government of Goa, the matter was placed before EAC in its meeting held on 9th and 10th November, 2010. EAC made its recommendation in the matter which extract of the relevant minutes is annexed hereto and marked as **Annexure R-4**.

6. I say that the recommendation of the EAC made in its meeting held on 9th/10th November, 2010 in this regard, has been considered by the Ministry and the same has been accepted by the Ministry.

7. I say that the Ministry shall abide by the decision of this Hon'ble Court in the matter and accordingly decide lifting of the abeyance Order thereafter. //

Why? — No answer. Therefore queries.

8. I say that the Annexures hereto are true copies of the originals.

9. I say that the factual contents of the foregoing paragraphs are derived from the official records to which I have access and I believe the same to be true.

Solemnly affirmed on this ..24th..... day of January, 2011 at ..GOA

S. K. Sharma

DEPONENT

डॉ. एस. के. शर्मा
Dr. (SMT.) S. K. SHARMA
निदेशक / Director
भारत सरकार / Government of India
पर्यावरण एवं वन मंत्रालय
Ministry of Environment & Forest
क्षेत्रीय कार्यालय, दक्षिण मध्य क्षेत्र
Regional Office, South Central Zone
बेंगलूर / Bangalore

Identified by:

Annexure-I

MINUTES

The Minutes of the 89th Meeting of the Expert Appraisal Committee for Building Construction, Coastal Regulation Zone, Infrastructure Development and Miscellaneous projects held on 21st-23rd July, 2010 at Fazal Chambers, SCOPE Complex, Lodhi Road, New Delhi.

4.31 Construction of Dabolim Apartments and Club House at Plot No. 1, 2, 3, 4, Survey No.43/1, village Dabolim, Mormugao Taluka, South Goa by M/s. Saravati Builders and Constructions Pvt. Ltd. (No.21-192/2008-IA.III)

Ministry has issued an Environmental Clearance for the construction of apartments in Debolim Goa on 11th January 2010. A Writ Petition No. 13/2010 was filed in the Hon'ble High Court of Bombay at Goa by The Goa Foundation in which Ministry was also one of the respondents. The issues raised in the petition were regarding cutting of trees, the entire project area is a private forest and project site is having a gradient more than 25% where the construction is not permissible as per Town and Country planning rules. Ministry has put the Environmental Clearance issued on 11th January 2010 in abeyance on 15th April 2010.

The Hon'ble High Court has taken note of Ministry's action of keeping the clearance in abeyance and further examination of the matter by the Ministry.

The proposal was put up for examination of issues raised by The Goa Foundation in the Expert Appraisal Committee meeting held on 22nd-24th July 2010 in which the representative of The Goa Foundation and M/s Saravati Builders and Constructions Pvt. Ltd. were also called. During discussions The Goa Foundation represented by Dr. Claude Alvares informed that:

(a) The area is a forest and therefore prior permission under the Forest Conservation Act requires to be obtained. This aspect was not put up before the Expert Appraisal Committee earlier.

(b) That the area is a steep slope and hence the law prevailing in Goa banning development/ construction on steep slopes prohibits construction of the project in the said area.

(c) It was also informed that there is severe water shortage in the vicinity of the proposal. Further, many illegal bore wells were made. The River juari is about 500 m from the site and the proposed extraction of ground water may lead to sea water intrusion.

In respect of the above issues he presented photographs of the area indicating the extent of natural vegetation of the plot. He further informed that three permissions were obtained for cutting of trees and a total of 200 trees were cut in the last three years.

The representatives of M/s. Saravati Builders and Constructions Pvt. Ltd. informed that

(a) As per the records of Goa Government, the site is not declared as Forest and this was confirmed by the Government of Goa in their affidavit filed in the Hon'ble High Court.

(b) Only 92 trees were felled with required permission. A Committee constituted by Town Planning Department including the petitioner has visited and surveyed and based on the survey, an affidavit has been filed which states that the slop is within norms.

They further informed that the Local body has given permission for supply of 314 KLD of water from Public supply, 95 KLD will be met from the two Nos. bore wells. The site is about 1000 feet above the river level; hence the possibility of sea water intrusion is remote.

The EAC after deliberation sought the following information:

(i) Submit the details of trees cut down with their permissions, certifying that no other trees will be cut.

(ii) Submit a copy of the contour map superimposing the layout plan of the site with clear spot levels authenticated by the Local Town Planning Department.

(iii) Submit a copy of the permissions for cutting of the trees and a certificate form DFO that the area is not declared as forest under Forest Conservation Act.

The committee deferred the project and shall reconsider after the submission of above information.

Annexure-2

No. 21-192/2010-IA.III
Ministry of Environment & Forests
Government of India
(IA.III Division)

Paryavaran Bhavan
CGO. Complex, Lodi Road
New Delhi – 110 003

Dated 27.8.2010

To

The Chief Town Planner
Town & Country Planning Office
Patto, Panaji
Goa - 403001

Subject: W. P. No. 13/2010 (Goa Foundation V/s M/s. Saravathi Builders & Construction Pvt. Ltd) –regarding.

Sir

Kindly refer to the above mentioned proposal submitted to this Ministry for Environmental Clearance (EC). The Ministry issued the clearance on 11.1.2010. M/s. Goa Foundation has filed a writ petition in the Hon'ble High Court. The EC is at the moment kept in abeyance. The major issues in the petition are the slope of land is more than 25%, where construction should not be permitted as per the local lawas/rules and cutting of trees. M/s. Saravathi Builders & Construction Pvt. Ltd submitted a survey map showing contours and slope. The proposal was considered by the Expert Appraisal Committee in its meeting held on 21-23 July, 2010 and the committee after deliberations sought the information on "a copy of the contour map superimposing the layout plan of the site with clear spot levels authenticated by the Local Town Planning Department".

As desired by the EAC, M/s. Saravathi Builders submitted the layout plans. A copy of the same is enclosed for your perusal, verification and authentication. You are requested to examine the same at site and send your comments to the Ministry for further necessary action within 2 weeks so that the details may further be discussed in the next meeting of EAC scheduled to be held in the 3rd week of September,2010.

Yours faithfully,

(Bharat Bhushan)
Director

Copy to :

1. M/s.Goa Foundation, G-8, St. Britto Apartments, Feira Atta Mapusa – 403 507, Goa
2. M/s. M/s. Saravathi Builders & Constructions Pvt. Ltd, I-1A Dhawan Deep Apartments, 6- Jantar Mantar Road, New Delhi – 110 001
3. Sh. Carlos Alvares Ferreira, Asst. Solicitor General of India, 1st Floor, Camila Bulding D.Joao Crasto Road, Opp. Keni's Petrol Pump, Panaji – 403 001 (Goa)
4. CCF, Regional Office, Ministry of Environment & Forests (SZ), Kendriya Sadan, IV Floor, E&F Wings, 17th Main Road, Koramangala-II Block, Bangalore – 560 034.

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Annexure-3

No. 21-192/2010-IA.III
Ministry of Environment & Forests
Government of India
(IA.III Division)

Paryavaran Bhavan
CGO. Complex, Lodi Road
New Delhi – 110 003

Dated 27.9.2010

To

The Chief Town Planner
Town & Country Planning Office
Patto, Panaji
Goa - 403001

Subject: **W. P. No. 13/2010 (Goa Foundation V/s M/s. Saravathi Builders & Construction Pvt. Ltd) –regarding.**

Reference: 1. Ministry's letter No.21-192/2008-IA.III dated 27.8.2010
2. Your letter dated 9.9.2010

Sir,

Kindly refer to your letter on the above mentioned subject, in which it was requested to examine at site and send your comments. The copies of the maps enclosed with your letter indicate "attested photocopies of the original plans" You are requested to examine at site and confirm the slopes and permissibiliy of constrcuction.

Yours faithfully,

(Bharat Bhushan)
Director

Annexure-4

MINUTES

The Minutes of the 93rd Meeting of the Expert Appraisal Committee for Building / Construction Projects / Township and Area Development Projects, Coastal Regulation Zone, Infrastructure Development and Miscellaneous projects held on 09th-10th November, 2010 at Conference Hall, Van Vigyan Bhawan, ICFRE, Sector-5, R.K. Puram, New Delhi.

5.2 W. P. No. 13/2010 (Goa Foundation V/s M/s. Saravathi Builders & Construction Pvt. Ltd)-reg.

Member Secretary informed that this case pertains to construction of Dabolim Apartment & Club House at Plot No. 1, 2, 3, 4 Survey No. 43/1, Village Dabolim, Murmugao Taluka, South Goa submitted by M/s. Saravathi Builders & Constructions Pvt. Ltd, New Delhi. The Ministry issued Environmental Clearance on 2.2.2009 as per the provisions of Environmental Impact Assessment Notification, 2006. Thereafter, project was revised & after thorough examination and scrutiny, the Ministry granted revised environmental clearance to the project on 11.1.2010.

As per the Hon'ble High Court order dated 27.4.2010, the project was placed before the EAC during its meeting held on 22-24 July, 2010 at New Delhi. The EAC sought some information. The project proponent submitted the requisite information and the same were again placed before the EAC on 18-20 August, 2010. The committee decided to send copy of the survey map/layout plans to the Town Planning Department, Goa for examination at site & verification and authentication. These were sent by MoEF to Chief Town Planner (CTP) on 27.8.2010. With reference to this letter, the Chief Town Planner, Town & Country Planning Dept, Goa has sent the attested copies of the layout maps back to the Ministry.

In his letter, the photocopies have been verified/checked/attested from the original records available at their office vide letter no.17-A/MOR/257/TCP-09/3142 dated 2.9.2009. Therefore, the Ministry once again requested the CTP, Goa on 8.10.2010 to examine and verify at site and confirm the slopes and permissibility of construction. The Chief Town Planner has sent a letter mentioning that only after due diligence carried-out using Survey of India Topographical sheets and correlated data available in the office, in accordance with guidelines and the procedures used for all such cases in Goa. A site visit is part of the due diligence carried-out before issue of permission. The site visit was carried-out by the CTP and his team along-with the representatives of the petitioner on 21.1.2010 & 16.2.2010.

Now, the project proponent has submitted a letter to Ministry mentioning that all the issues raised have been attended and requested the Ministry to withdraw the abeyance order. The details along with the maps were presented to the Committee.

The Committee after discussions suggested that Ministry may inform the Government Counsel/ ASG that the site inspections were conducted twice by Government Departments viz. Town Planning Department & Forests Department of Goa on 21.1.2010 and 16.2.2010. During the site visit, Petitioners i.e. M/s Goa Foundation was also present. The site visit report and the maps may also be forwarded to the Counsel informing that the issue is related to the local laws and Environmental Clearance has been issued only under EIA Notification, 2006. The project proponent has to obtain prior clearance from the Local body as per the local laws incorporating all the Environmental parameters as suggested by the Expert Appraisal Committee. Further action on the above issue should be taken only after the Hon?ble High Court orders about revocation of abeyance order.

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

GOA BENCH, AT PANAJI.

WRIT PETITION NO. 13 of 2010

Goa Foundation & anr.)... Petitioners

v/s

M/s Saravati Builders and Construction

Pvt Ltd & ors)... Respondents

COUNTER AFFIDAVIT

I, Dr Claude Alvares, am filing this affidavit in connection with the affidavits by the Resp. No. 1 and Resp. No. 9 in January 2011.

1. With reference to para 2 of the addl. affidavit dated 8.1.2011 filed by Resp. No.1, I deny that the petitioners were enabled to put forward their views before the EAC. The petitioners were called to present their view at the initial meeting, which they did. Petitioners did not attend the subsequent meeting when called, since the requirements set down by the EAC in respect of determining the spot levels at the site were not completed and therefore it was pointless to attend that meeting. The Petitioner does not have the wherewithal to visit Delhi frequently and it therefore requested the EAC to inform the Petitioner when the required documentation was submitted so that petitioner could peruse the same and make submissions accordingly at the meeting. Petitioners were awaiting further communication from the Ministry, especially the

documents presented by the Chief Town Planner for verification, prior to attending any further meetings. This is clearly reflected in the correspondence between petitioner, the EAC and the Chief Town Planner. The EAC however decided to resolve the matter at its meeting held in November 2010 without being satisfied in terms of its own request made through its earlier letters to the Chief Town Planner. Petitioner was not called for the November 2010 meeting. However, Resp.No.1 attended all meetings.

2. Para 2 also makes the incorrect statement that the EAC found "that there is no infirmity in the environmental clearance dated 11/1/2010 issued under the EIA notification 2006." This statement is not borne out by a reading of the said minutes (annexed by Resp.No.9 to her affidavit) whose only clear conclusion is that "further action on the above issue should be taken only after the Hon'ble High Court orders about revocation of abeyance order." The Resp.No.1 has also enclosed at Ann. II (p.404) copy of communication received by him addressed to the Asst. Solicitor General. The one-sided nature of the proceedings is apparent from the fact that no copy has been addressed to the petitioners.

3. With reference to the affidavit filed by Resp. No.9, she has annexed to her affidavit the minutes of the EAC meeting held on 9th and 10th November 2010. The minutes disclose that the EAC, in fact, has not come to any findings either on issue of permissible slopes or forests. On the issue of slopes, the EAC has ruled that it is a matter of local laws even though the Resp. No. 9's letter dated 15 April 2010 also refers to the

Ministry's Committee on identifying parameters for designating ecological sensitive areas in India.

4. As far as the issue of forest is concerned, there is no discussion on the subject altogether, though to be fair to the EAC, forest issues are always dealt with exclusively by the Forest Advisory Committee set up under the Forest Conservation Act, 1980 and therefore, the EAC has no jurisdiction. No site visits were conducted by the Forest Department on 21.1.2010 and 16.2.2010 as recorded in the EAC minutes. This information is factually wrong.

5. In fact, after the EAC had sought information on the forestry status of the plot, pursuant to its first meeting on this case, Petitioner No. 2 wrote to the Principal Chief Conservator of Forests on 16.8.2010 requesting for a site inspection. That request was granted and communication dated 21.9.2010 was addressed to the Expert Committee on Forests, South, in this connection. The letters dated 16.8.2010 and 21.9.2010 are annexed as ***Exhibit 1*** to this affidavit. Since no further action ensued, miscellaneous civil application No.681/2010 was filed in this Hon'ble Court for appropriate directions. This Court issued notice to the aforesaid Committee on 25.10.2010. The matter is pending orders.

Solemnly affirmed this

the ___ day of February 2011 Deponent

Exhibit 1 colly 417

The Goa Foundation

G-8 St Britto's Apartments
Feira Alta, Mapusa 403507 Goa.
www.goafoundation.org/
email: goafoundation@gmail.com/
Phones: 0832-2263305/2256479
Dated: 16.8.2010

Dr Sashi Kumar,
Principal CC of Forests,
Government of Goa,
Panaji, Goa.

Subj: Request for site inspection of Survey No.43/1 (including 43/1-A) from forestry point of view by Expert Committee (South)

Dear Sir,

As you are aware, there is a proposal to raise a 700 flats complex of buildings on sy.No.43/1A of Dabolim Village (Chicalim Panchayat), Mormugao Taluka, Goa. The proposal has come from Ms Saravati Developers & Constructions Pvt Ltd.

Due to a petition filed by the undersigned organisation, the Ministry of Environment and Forests has been pleased to suspend the environment clearance granted to the company. The project therefore at site is stayed.

There remains still much controversy concerning whether the plot is forest or not. This matter, you will readily agree, can be easily resolved by a visit to the site.

You have recently set up two expert committees for the purpose of identification of private forests in north and south Goa, pursuant to directions of the Bombay High Court. May I therefore request you to refer the matter of whether the concerned survey is forest or not to the Expert Committee for South Goa. This way at least the matter may be resolved one way or another. This request may be given urgent consideration.

We would like to remain present when the Expert Committee does visit the site. Please consider this request as well.

Looking forward to your response.

Yours sincerely,

(Dr Claude Alvares)
Director

Government of Goa
Office of the Additional Chief Conservator of Forests
Gomantak Maratha Samaj Building,
Panaji Goa

No.2-49(A)- 2006 -10 -FD/ 3182 Date: 21/09/2010

Sub: Request for site inspection of Sy.No. 43/1 (including 43/1A) from Forestry point of view by Expert Committee (South)

I am directed to refer to the above quoted subject and to enclose herewith a copy of letter dated 16/08/2010 received from the Director, Goa Foundation, Feira Alta, Mapusa, Bardez Goa.

In this connection you are requested to put it up for consideration of the committee and inform the applicant accordingly under intimation to this office.

Encl: As above

(Sanjay K. Waradkar)
Dy. Conservator of Forests,
Planning & Statistics

To,
The Sub Divisional Forest Office,
& Member Secretary,
South Goa Division,
Margao-Goa.

Copy to:

1. The Director, The Goa Foundation, G-8 St. Britto's Apartments Feira Alta, Mapusa Bardez Goa for information W.r.t. his letter dated 16/08/2010.
2. Dy. Conservator of Forest, South Goa Division, Margao Goa for information.

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NOTARY
WILFRED A. F. BOADITA
PANAJI - GOA
Reg. No. 41/91
GOVT. OF GOA. (INDIA)

IN THE HIGH COURT OF BOMBAY, AT GOA

WRIT PETITION NO.13/2010

GOA FOUNDATION, THROUGH ITS)
SECRETARY, DR. CLAUDE ALVARES)
AND ANOTHER.) ..... PETITIONERS.

VERSUS

M/S SARAVATI BUILDERS AND)
CONSTRUCTION PVT. LTD. AND)
10 OTHERS.) ..... RESPONDENTS.

COUNTER AFFIDAVIT TO THE AMENDED PETITION ON BEHALF OF RESPONDENT NO.1.

I, Shri Ravi Rajan, aged 55 years, Indian national, authorized signatory of the Respondent No.1 above named, having office at Campal, Panaji-Goa, do on solemn affirmation state and submit as under:-

1. I say that the present Affidavit is being filed in pursuance of the liberty granted by this Hon'ble Court on 30/3/2011 and to deal with the contents of the amended Petition filed by the Petitioner.

2. I say that as the development proposed was on sub-divided plots each admeasuring less than

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20,000 square meters, there was no legal requirement for obtaining EIA clearance for the proposed Project. However, by way of abundant caution, the Respondent No.1 did apply for Environmental clearance and upon detailed examination and strict scrutiny, the Respondent No.9 issued Environmental clearance dated 2/2/2009, with a 'silver grading'.

3. I say that as there was increase in the number of flats, proposed to be constructed in view of the fact that certain two-bed-room flats were converted into one-bed-room flats, the Respondent No.1 once again applied for revised Environmental clearance from Respondent No.9.

4. I say that the Respondent No.9, once again being fully satisfied with all the requirements and upon scrutinizing the revised proposal, was pleased to issue environmental clearance dated 11/1/2010 to the Respondent no 1, again with a "Silver Grading". I state and submit that GSPCB carried out an independent site visit prior to the issuance of Consent to Establish to the residential project under section 25(1)(a) of the Water (Prevention and Control of Pollution) Act, 1974, vide letter dated 16.07.2009.

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5. I say that upon service of the present Petition on the Respondent No.9, the Respondent No.9 without giving any hearing to the Respondent No.1, issued a letter dated 15/4/2010, informing the Respondent No.1 about the issues raised in the Petition and thereafter stated that the environmental clearance issued on 11/1/2010, shall be kept in abeyance till the final decision in the matter is taken by the Ministry.

6. I say that the Respondent No.9 thereafter constituted an Expert Appraisal Committee (EAC) to once again inquire into the environmental clearance dated 11/1/2010, in the light of issues raised in the present Petition.

7. I say that the EAC in its first review hearings in respect of the Respondent No.1's Project on 21st to 23rd July, 2010. I say that it is pertinent to point out that an opportunity of hearing came to be accorded to the Petitioner as well as Respondent No.1, at such hearing. The submissions made by the Petitioner as well as Respondent No.1 also came to be recorded.

8. I say that the EAC thereafter sought information from the Chief Town Planner as well, as regards the slope and permissibility of construction.

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9. I say that in its 93rd meeting held on 9th/10th November, 2010, the EAC upon consideration of the entire material, which included the submissions of the Petitioner, the Respondent No.1, as also the information provided by the Chief Town Planner, observed that the Project was revised and after thorough examination and scrutiny, the Ministry had granted revised environmental clearance to the Project on 11/1/2010.

The EAC took note of the site inspections carried out by the Chief Town Planner and recommended that the Counsel for Respondent No.9 may be informed that the issue is related to the local laws and environmental clearance has been issued only under EIA Notification, 2006.

10. I say that pursuant to the meeting of 9th/10th November, the MOEF issued a letter dated 4/1/2011, to its Advocate, a copy whereof was marked to the Respondent No.1, as well as to the Director of MOEF,South Zone categorically stating therein that the EAC at its meeting held on 9th/10th November, 2010, had found that there is no infirmity in the environmental clearance dated 11/1/2010 issued to the Respondent No.1. I say that it was further recorded that the local clearances were the concerns of the local bodies

and that the recommendations made by EAC, were accepted by the Respondent No.9.

11. I say that it is pertinent to point out that in the letter dated 15/4/2010, the Respondent No.9 had informed the Respondent No.1 that the environmental clearance dated 11/1/2010, shall be kept in abeyance till the final decision in the matter is taken by the Ministry.

12. I say that the Respondent No.9 has filed an Affidavit on 24/1/2011 before this Hon'ble Court, inter alia placing on record the extract of the relevant minutes of the meeting held on 9th/10th November, 2010 by the EAC. I say that in Paragraph 6 of the Affidavit, it has been categorically stated that the recommendation of the EAC made in its meeting held on 9th/10th November, 2010 were considered by the Ministry and that the same have accepted by the Ministry.

13. I say that as regards environmental clearance, the EAC has clearly recommended that there is no infirmity in the environmental clearance dated 11/1/2010 issued to the Respondent No.1. I say that the Respondent No.9 having considered and accepted the recommendations of the EAC, there is final conclusion by the Respondent No.9 that there is

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no infirmity whatsoever as regards environmental clearance dated 11/1/2010, issued to the Respondent No.1. I say that this itself is the final decision of the Respondent No.9 as regards environmental clearance dated 11/1/2010.

14. I say that as regards the issue of clearance from the local authorities, regarding local laws is concerned, the Respondent No.1 has already been issued permission under Section 17A of the Town & Country Planning Act, 1974. Further, the Respondent No.1 was also issued licenses for felling of trees by the Tree Officer. The answering Respondent also craves leave to refer to the various affidavits filed in the matter including the Affidavit filed on behalf of Respondent No 10 the Village Panchayat.

15. I say that the Chief Town Planner has filed two reports and three Affidavits, confirming the fact that the permission under 17A of the Town & Country Planning Act, 1974, came to be granted to the Respondent No.1 as the slope was found to be varying between 19% to 24%, which is within the permissible limits.

16. I say that the Deputy Conservator of Forests (DCF, South Goa) has also filed two Affidavits as well a site inspection report, confirming the

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fact that the said property of the Respondent No.1 is not a forest. The Deputy Conservator of Forests has further stated that in case the property of the Respondent No.1 was found to be a forest, no licence for felling trees would ever have been issued to the Respondent No.1. I say that in all 92 trees have been felled pursuant to the two permissions issued by the DCF, South Goa. I say that the Respondent No.1 is committed to plant 276 trees, for the trees felled, which is three times the number of trees felled. This is in accordance to the tree felling permissions issued by the DCF, South Goa

17. I say that from the aforesaid, it is clear that there is no infirmity in the environmental clearance dated 11/1/2010 issued to the Respondent No.1 by the MOEF. Further, it is clear that the Respondent No.1 has all the requisite licences / permissions from the local authorities. It is submitted that the MOEF's Environment Clearance of 11 .01.2010 is in addition to the Environmental Clearance already granted to the Answering Respondent No 1 as far back as on 02-02-2009.

18. I say that though the order of abeyance was passed by the Respondent No.9, the EAC in its meeting held on 9th/10th November, 2010, has

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observed that further action should be taken only after the Hon'ble High Court orders about revocation of abeyance order. The Respondent No.9 in its Affidavit dated 24/1/2011 has also stated that the Ministry shall abide by the decision of this Hon'ble Court and accordingly decide lifting of the abeyance order thereafter.

19. I say that as stated herein above, the environmental clearance dated 11/1/2010 was kept in abeyance by the MOEF itself vide letter dated 15/4/2010. I say that though the Ministry has taken a final decision that there is no infirmity in the environmental clearance dated 11/1/2010, it appears that the Ministry is under the impression that the abeyance has to be revoked by this Hon'ble Court. I say that the Ministry having taken a final decision about the environmental clearance dated 11/1/2010, the abeyance order stands revoked, as the same was in force till the final decision was to be taken by the Ministry.

20. That it is submitted that the contents of Paragraph 1 to 68 of the amended petition filed by the Petitioner are identical and similar to the contents of Paragraph 1 to 68 of the original writ petition. I state that, in order to avoid repetition, the reply given by the answering

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respondent to the contents of Paragraph 1 to 68 of the original Writ Petition may kindly be read as the reply of the answering respondent to the contents of Para 1 to 68 of the said amended petition.

21. With reference to Paragraph 68A of the Petition, I say that the contents thereof are matters of record and hence no comment is being offered.

22. With reference to Paragraph 68B of the Petition, I say that the contents thereof are matters of record and hence no comment is being offered.

23. With reference to Paragraph 68C of the Petition, I say that the contents thereof are matters of record. It is, however, stated that any report by the 3rd party like a "Professional Botanist" has no sanctity in law. It is submitted that the DCF, South Goa is the duly empowered and designated authority to determine the status of any forest in South Goa.

24. With reference to Paragraph 68D of the Petition, I say that I reserve my rights to place true and correct interpretation on the scope and

import of the minutes of EAC meeting held on 21st/23rd July, 2010.

25. With reference to Paragraph 68E of the Petition, I say that the copies of the communications addressed by the Petitioner, to the MOEF as well as to CTP, were never marked to the Respondent no 1, though both the authorities as well as the Respondent no 1 are parties to the petition and the communications were concerning the subject matter of the petition. I say that it is improper for the Petitioner to engage in correspondence with the authorities, who are parties to the petition, in respect of the very subject matter of the petition, behind the back of the Respondent no 1.

26. With reference to Paragraph 68F of the Petition, I say that the answering Respondent No. 1 had already previously submitted the required contour plan with spot levels and the layout plan super imposed on this contour plan when it applied to the TCP for permission under Section 17Aof the TCP Act 1974. It was this submission which was granted permission under section 17A of the TCP Act 1974 after due diligence, which included a site visit, had been carried out by the TCP, regarding permissibility under the said Act accordingly.

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27. With reference to Paragraph 68G of the Petition, I say the contents thereof in so far as email of the petitioner is concerned, are matters of record. I specifically deny survey of forest and degree of slope have not been followed. I say that the CTP has filed to reports as regards the slope at the site. I say that the Dy Conservator of Forests (DCF, South Goa) has also filed site inspection report, that the property of the Respondent no 1 is not a forest.

28. With reference to Paragraph 68H of the Petition, I say the contents thereof are matters of record.

29. With reference to Paragraph 68I of the Petition, I say the contents thereof are matters of record. I say that I reserve my rights to place true and correct interpretation on the communication exchanged between the authorities. I deny the interpretation sought to placed by the Petitioner on such communication, which to say the least is speculative and in the nature of conjectures and surmises.

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30. With reference to Paragraph 68J of the Petition, I say the contents thereof are matters of record. I say that I reserve my rights to place true and correct interpretation on the communication exchanged between the authorities. I deny the interpretation sought to placed by the Petitioner on such communication, which to say the least is speculative and in the nature of conjectures and surmises. The answering Respondent craves leave to refer to the affidavits filed by the CTP before this Hon'ble Court.

31. With reference to Paragraph 68K of the Petition, the contents thereof are specifically denied. I say that the contents are against the record. I say that the EAC has in fact taken note of the two site inspection visits by the CTP on 21-1-2010 and 16-2-2010, wherefore the representatives of the petitioner were also present. This is reflected in the minutes of the meeting of EAC held on 9th /10th November 2010.

32. With reference to Paragraph 68L of the Petition, the contents thereof in the manner in which they are set out are specifically denied. I say that the contents thereof that the EAC had not received proper responses to the queries is denied being against the record. I say that EAC

being fully satisfied with the material placed before it recommended to the Ministry that no infirmity was found in the Environmental Clearance dated 11-1-2010 issued to the Respondent no 1.

33. With reference to Paragraph 68M of the Petition, in so far as filing of the affidavit by MOEF on 24/1/2011 is concerned the same is a matter of record. I say that the Ministry has taken final decision as regards Environmental clearance dated 11/1/2010 to the effect that there is no infirmity in respect thereof. I say that abeyance was limited to the Environmental clearance dated 11/1/2010, till the ministry would take a final decision. I say the Ministry having finally concluded, based on the recommendation of EAC, specially constituted by it, that there is no infirmity in the Environmental clearance dated 11/1/2010, the abeyance order automatically stands revoked. I say that the local authorities also having cleared the project with permissions/licenses from the point of view of cutting of slopes/trees, nothing survives in the petition and the petition is liable to be dismissed with exemplary costs.

34. I say that what is stated by me in paragraphs 1, 2(p), 3, 4, 5, 6, 7, 8, 9, 10,11, 12, 13, 14(p), 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33 is true to my own knowledge and/ or belief and/or based on the records maintained by the Respondent no 1 and what is stated in the remaining paragraphs namely 2(p) & 14(p) is in the nature of legal submissions and/or inferences of facts which I believe to be true.

Solemnly affirmed on this
6th day of April 2011 at
Panaji- Goa

DEPONENT

Identified by me

Advocate for Respondent no 1

SOLEMNLY AFFIRMED AND VERIFIED
BEFORE ME BY Ravi Rajon-
REG. No. 5662/2011 DATED 06-04-2011

WILFRED A. F. COSTA
NOTARY AT PANAJI
STATE OF GOA - INDIA

IN THE HIGH COURT OF BOMBAY, AT GOA

WRIT PETITION NO.13/2010

GOA FOUNDATION AND ANOTHER.) ….. PETITIONERS.

VERSUS

M/S. SARAVATI BUILDERS AND)
CONSTRUCTION PRIVATE LIMITED)
AND OTEHRS.) ….. RESPONDENTS.

I N D E X

Sr. No.	Particulars	PAGES
1.	ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT NO.1. …. ….	471-482
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Place:-Panaji-Goa.

Dated:-11/9/2012.

Advocate for Respondent No.1.

IN THE HIGH COURT OF BOMBAY, AT GOA

WRIT PETITION NO.13/2010

GOA FOUNDATION AND ANOTHER.) ..... PETITIONERS.

VERSUS

M/S. SARAVATI BUILDERS AND)
CONSTRUCTION PRIVATE LIMITED)
AND OTEHRS.) ..... RESPONDENTS.

ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT NO.1

I, Shri. Ravi Rajan, aged 58 years, Indian National, the authorized signatory on behalf of the Respondent No.1 above named, having office at Campal, Panaji-Goa, do on solemn affirmation state and submit as under:-

1) I say that the Respondent No.7 has filed Field Inspection Report before this Hon'ble Court in view of the Order dated 10/4/2012 passed in Writ Pecition No.395/2011 and Order dated 2/5/2012 passed in Misc. Civil Application No.437/2012 in Writ Petition No.13/2010.

2) I say that present Affidavit is being filed to raise objections about the correctness of the Field Inspection Report.

3) I say that though the Affidavit has been filed by Dr. Suneesh Buxy, as Deputy Conservator of Forests, the Field Inspection Report has been prepared by Shri Mahesh Kumar Shambhu, Deputy Conservator of Forests.

4) I say that at this stage itself, it is pertinent to point out that Shri Mahesh Kumar Shambhu, in his capacity as Deputy Conservator of Forests, not on one occasion, but on two occasions has filed Affidavit before this Hon'ble Court stating therein unambiguity stating that Survey No.43/1-A, wherein the Respondent No.1 is supposed to carry out the construction activity, is not a private forest land.

5) I say that on 15/3/2010, Shri Mahesh Kumar Shambhu as Deputy Conservator of Forests had filed Affidavit dated 15/3/2010 along with Report dated 22/2/2010. In the Report dated 22/2/2010, it was categorically mentioned thus:-

"The Sy. No.43/1-A of Dabolim is not a notified Government forest. It is a private property".

"Tree felling permissions is given by the office of the Tree Officer only after visiting the field and verifying the vegetation. If the vegetation meets the criteria of forest then tree filling permission is not given".

6) I say thereafter, the same Officer Shri Mahesh Kumar Shambhu in his capacity as Deputy Conservator of Forests has once again filed an Affidavit on 27/4/2010 before this Hon'ble Court, defending the Report dated 22/2/2010 and stating unambiguously that the Report is factually correct. In this Affidavit, he ahs stated thus:-

"It is further submitted that the area in survey no.43/1-A and 43/1 are private properties and do not constitute any government forest nor have they been identified as private forests by the State Level Expert Committee".

"I reiterate and maintain my statement that no permission to fell tree is given if property meets the existing of forest".

7) I say that in light of the aforesaid two Affidavits dated 15/3/2010 and 27/4/2010, together with the Site Inspection Report dated 22/2/2010, which had categorically recorded that the Property of Respondent No.1 is not a private forest, the present Field Inspection Report prepared by the same Officer, whereby a complete volte face is made by the same Officer in declaring the very same Property of the Respondent No.1 as a private forest is liable to be discarded and ignored. In any case, the said Field Inspection Report is not supported by Shri Mahesh Kumar Shambhu on an Affidavit, perhaps with a view to the consequences of perjury.

8) I say that it is clear that on account of the irrelevant considerations and pressure, the very same Officer has given a Field Inspection Report which is directly contrary to his earlier Report as well as a stand before this Hon'ble Court on solemn Affidavits.

9) I say that even prior to the purchase of the Property by the Respondent No.1, the predecessor-in-title of the Respondent No.1 was informed by Deputy Conservator of Forests vide letter dated 23/2/2007 that Survey No.43/1 of Dabolim Village is not identified as a private forest, or as a Government forest. A copy of the said communication has already been placed on record by the Respondent No.1 as "ANNEXURE B" to its Affidavit dated 1/2/2010 at Page 238 of the Paper Book. I say that in addition to the above, neither the Sawant Committee nor Karapurkar Committee have identified Survey No.43/1-A as being a forest. Further, the ODP for Mormugao Taluka notified vide Gazette Notification Series III, No.45 on 5/2/2009 shows the site as being in "Settlement Zone". In fact, all the permissions, licenses, no objection certificates and approvals have been issued to the Respondent No.1 as per the Outline Development Plan in force.

10) I say that in fact, even the Deputy Collector of Mormugao vide letter dated 30/1/2007 had granted exemption in respect of the Said property from obtaining Sanad under the provisions of Section 32 of the Land Revenue Code, 1968, as the same was zoned as a "Settlement Zone".

11) I say that even the State Level Expert Committee has at no point of time identified the Said Property as forest. I say that the Range Forest Officer has clearly recorded after inspection of the site that the site does not meet the criteria of a forest.

12) I say that despite the overwhelming material to suggest that Said Property is not a private forest, Field Inspection Report erroneously states that the Said Property is a forest.

13) I say that Field Inspection Report is primarily and solely based on (i) field verification; (ii) satellite imaginary; and (iii) records on permission for felling of the trees issued by the Range Forest Officer.

14) I say that as regards the satellite imaginary to establish, whether, a particular property is a forest land or a non-forest land, the Hon'ble Supreme Court in the case of "***Tata Housing Development Corporation***" has clearly laid down that satellite imaginary could not have taken into consideration by the committee to arrive at a finding that the property concerned in that case was a forest land. As such, the reliance on satellite imaginary in the Field

Inspection Report to submit that the Said Property is a forest land is erroneous and unsustainable in law. I say that on this sole ground the Field Inspection Report is liable to be rejected.

15) Further, I say that the Said Property has many undergrowths in the form of bushes, brush wood, wild grass, climbers, creepers, etc., which have been in existent for the last six years or thereabouts. I say that such undergrowths is green in colour and on a satellite imaginary one cannot make out any distinction between the green undergrowths and green trees. I say that the entire satellite imagery looks homogenous which is in fact misleading and does not correspond with the factual situation that arises at the site. I say that though there are trees in the Said Property, the same are scattered and the green colour which can be seen on the satellite imagery is only on account of the ground canopy of brush wood, wild grass, climbers, creepers, etc. I say that this is also another reason why the satellite imagery which does not correspond with the ground realities is liable to be ignored and consequently, the Field Inspection Report which places reliance on the satellite imagery is also liable to be discarded and rejected.

16) I say that the reliance has also been placed on records of permission for felling of the trees issued by the Range Forest Officer. I say that in fact, the records maintained by the Range Forest officer at more than one place categorically states that the criteria of private forest, is not applicable in this case in my view. The notes in fact record that the Range Forest Officer has inspected the trees and recommended all 47 trees for felling. The notes also record that Forest Conservation Act is not applicable. The notes also record that the officer inspected and checked the measurement of the trees marked for felling. The criteria of forest, is not applicable in this case. As such, reliance on the office records which in clear and unmistakably the terms record that the Said Property is not a forest land to give a report that Said Property is a forest land is absurd and against the very records. The Field Inspection Report consequently is liable to be discarded and rejected. In fact, the Field Inspection Report indicates that upon felling of the trees in two hectares portion, site inspection does not help much in verifying the density of vegetation. However, Shri Mahesh Kumar Shambhu, Deputy Conservator of Forests in his enthusiasm to declare this area of two hectares where the

Building Project is supposed to come up, as a forest has concluded that upon verification of trees felling list and on considering the area along with the remaining Property, it can be concluded that area meets the criteria of private forest. I say that merely by looking at Trees Felling List, no person can conclude that area is a forest land.

17) I say that about the balance five hectares of area of the Said Property is which the tree felling has not taken place is concerned, same is practically inaccessible, on account of the undergrowths in the form of brush wood, wild grass, climbers, creepers, etc., which have been in existence for the last about six years. I say that as a matter of fact no detailed physical inspection of the said five hectares was carried out by the Inspecting Team. I say that this balance portion of five hectares has been styled as forest only on theoretical basis, which is also evident from the Field Inspection Report itself which merely records thus:-

> *"The sample plots indicate more than 75% of the species to be forestry in nature, canopy density is more than 0.4*

and the area is more than 5 hectares. All the three criteria of Private Forest are met".

18) I say that on our own we had also requisitioned the services of a retired Deputy Conservator of Forests, Shri S. N. Sheth to carry out inspection of the Said Property and give us a report in respect thereof, as to whether, our Property is a forest land or not. I say that the said retired Deputy Conservator of Forests has in fact recorded that he was unable to enter into the Property from several sites due to the presence of thick ground canopy which has not been cut for at least six years. In fact, he has further recorded that on account of site conditions, it is unclear as to how any forest department officer/official carried out the inspection and how it is possible to report that the site is a private forest in such circumstances. He has further recorded that clearance of ground canopy is required to be cleared so as to reach and take measurements freely and also other records related to other aspects of the parameters for declaring a particular property as a forest land are required to be taken into consideration. I say that in

view of the above, it is clear that except two hectares of the Said Property, the remaining five hectares of the Said Property has not at all been physically inspected or visited by the Inspection Team. I say that in any case, the Company representative, Mr Samson Samuel was present at the site, when the inspection team had made a visit. I say that Mr Samson has informed that the inspecting team except Mr M.S. Shambhu only inspected a small portion of Plot no 1 and did not physically enter any of the remaining 4 plots for inspection. I say that thereafter the Inspecting Team straight away went and inspected the remaining portion of Survey No.43/1, with which, we are not concerned. I say that curiously the Field Inspection Report states that the remaining portion of Survey No.43/1 is not a forest land. I say that if two hectares of Survey No.43/1-A can be styled as forest land on the alleged basis, that five hectares of Survey No.43/1-A is a forest land, than it escapes me as to how the remaining portion of Survey No.43/1-A which is adjacent to the five hectares area of Survey No.43/1-A would be a non-forest land.

Copy of the report of ex Dy Conservator of forests, Mr S.N. Shet is hereto annexed and marked as ANNEXURE -I to this Affidavit.

19) I say that from the aforesaid, it is clear that the Field Inspection Report has been prepared without any site inspection. The Field Inspection Report is based on inadmissible material. I say that in view of the above, the Field Inspection Report is liable to be discarded and rejected.

20) I say that what is stated by me in Paragraphs 1, 2, 3, 4, 5, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14(P), 15, 16, 17, 18, & 19 of the above Additional Affidavit is true to my own knowledge and belief and what is stated in the remaining Paragraph, namely 14(P) is in the nature of legal submissions and/or inferences of facts, which I believe to be true.

Solemnly affirmed at Panaji-Goa, on)
this 11th day of September, 2012.)

DEPONENT

Identified by me:

Advocate for Respondent No.1.

REPORT ON STATUS OF SITE AT SURVEY NO 43 / 1-A, DABOLIM VIILAGE, MARMUGAO TALUKA

Annexure

With Reference to The Hon'ble High Court Of Bombay In Goa Order Dated 07 August 2012, the private party approached me through Shree P.V.Savant (Rtd.Chief Conservator of Forest) Alto Porvorim Goa, to report on the status of their site at survey no 43/1-A at Dabolim village if it can be defined as a private forest.

Shree P.V. Savant advised me to go through all the documents and plans and visit the site to check ground realities carefully and then submit a report to the party highlighting the main, factual aspects.

In this connection, I have received all the reports from the party and studied the same.

Facts placed in the file of the case property.

After Forest Conservation Act 1980 came into force, Two Committees were formed to identify and report all areas defined as "Private Forest" in the state of Goa, based on the parameters / guidelines/criteria adopted by the government.

However neither the Savant Committee nor Karapurkar Committee identified this private property as private forest under Forest Conservation Act 1980.

Subsequently, the State Level Committee Constituted by the Government in February 2010 also has not identified this site as a private forest.

Outline Development Plan for Marmugao taluka notified vide Gazette Notification Series III No 45 dated 05/02/2009 shows the site as being IN a Settlement Zone and all Development permissions have been granted as per the O.D.P in force [Appendix A].

It is also seen that vide Deputy Collector Marmugoa Letter No. 11/138/DYC/07/166 dated 30/01/2007; it has been stated that property under survey no.43/1-A of Dabolim village is falling under settlement zone and the property is exempted from the operations of provision of Sec.32 of L.R.C 1968 [Appendix B].

Vide Deputy Conservator of Forest South Goa Division Letter No. 5/365/SGF/2006-07/2165 dated 23/02/2007; it was informed that the area in survey no. 43/1 of Dabolim village is not identified as a private forest nor a Government Forest [Appendix C].

Similarly vide Affidavit dated 15/03/2010, Deputy Conservator of Forest, South Goa in his report dated 22/02/2010 stated at paragraph 2 that site at survey no.43/1-A is not a notified Government Forest but is a Private Property. He also stated that the tree felling permissions were given only after the site was visited and on verification of the vegetation. He further stated that the site was verified on a number of times by the officers and staff of the office. [Appendix D-1]

Again, the same Deputy Conservator of Forest, South Goa in his affidavit dated 27/04/2010 has confirmed that the property under survey no.43/1-A is neither a government forest nor a private forest, but is a private property. He also stated that when the inspection of the site was

ed on file that the site did not meet the criteria of a forest."[Appendix

n the year 2008 and 2009, tree felling permissions have been granted
tion of the site by officers and staff of the DCF South Goa

the "Field Inspection Report " submitted by the Deputy Conservator
tes that Survey No.43/1(including petitioner M/s DLF Homes Private
tioner property meets the criteria of "Private Forest" in area
This is against all records and documents and reports and affidavit
cerning this site.

ed that site in August 2012 but was unable to enter into the property
o the presence of thick ground canopy which has not been cut for at

nes/criteria accepted by the government to identify and constitute
quired to be analyzed in the field to determine whether a private
e falls within the ambit of the definition of the private forest or not.

ation, clearance of ground canopy, which consist of brush wood, wild
s is required to be cleared in order to reach near each and every
measurements freely and also other records related to other aspects of
ed above.

he site, it is unclear as to how any forest department officer / official
on. In view of all official records / documents / affidavits stating it is not
f forest, it is unclear how it has been reported that the site is a private

Taleigo, Panaji.

f Forest

07/09/2012

APPX-A

Reg. No. GR/RNP/GOA/32

RNI No. GOAENG/2002/6410

Panaji, 5th February, 2009 (Magha 16, 1930)

SERIES III No. 45

39309

485

OFFICIAL GAZETTE

GOVERNMENT OF GOA

GOVERNMENT OF GOA

Department of Education, Art & Culture

Goa University

Notification

No. 12/184/EXAM-III/CONV/2009/554

I the undersigned Dr. M. M. Sangodkar, Registrar, Goa University hereby notify for the information of all concerned that the Twenty First Annual Convocation of Goa University will be held on Sunday, 8th February, 2009, beginning at 10.30 a.m. at 'Cardium' National Institute of Oceanography (NIO), Dona Paula, Goa.

Panaji, 21st January, 2009.– The Registrar, *Dr. M. M. Sangodkar.*

V. No. A-198/2009.

Department of Finance

Revenue & Expenditure Division

Office of the Commissioner of Excise,

Excise Station, Salcete Taluka

Notice

The unknown owners of the following liquor and other goods found at the places and dates shown herebelow against each case are intimated to appear before the Excise Inspector of Salcete Taluka, 3rd Floor, Osis Commercial Arcade, SGPDA Market, Margao-Goa within 30 days from the date of publication of this notice in the Official Gazette to claim their rights of the said material.

After expiry of the aforesaid time limit, the liquor goods and other materials shall be forfeited in favour of the Government. For further details please contact the Excise Station, Salcete-Taluka, Osis Commercial Arcade Building, Near S.G.P.D.A. Market, Margao, Salcete-Goa.

Sr. No.	Date	Place	Case No.	Liquor goods Seized
1	2	3	4	5
1	03-04-2007	Konkan Railway Station, Margao	No. Exc/Sal/2007/08/01	1) 15 qts. pet bottle of Nadan XXX Rum 2) 15 qts. pet bottle of Whisky Grand Mirror 3) 30 qts. pet bottle of Gold & Black Whisky 4) 8 qts. pet bottle of Oxford Club Whisky 5) 03 qts. pet bottle of Port Wine 6) 19 qts. pet bottle of Goan Pride Coconut Fenny
2	18-09-2007	– do –	No. Exc/Sal/2007-08/58	1) 24 qts. pet bottles of Nadan XXX Rum

39313

Price – Rs. 5/-

486

the copies of the said Development Plan may be inspected:

(1) Office of the Mormugao Planning and Development Authority, 2nd Floor, Commerce Centre, Near Old City Bus Stand, Vasco-da-Gama, Goa.

(2) Office of the Town Planner, Mormugao Taluka, 2nd Floor, Commerce Centre, Old City, Near Bus Stand, Vasco-da-Gama, Goa.

The Outline Development Plan for Vasco-da-Gama Planning Area shall come into operation from the date of publication of this Notification in the Official Gazette in terms of sub-section (3) of Section 37 of the Goa Town and Country Planning Act, 1974 (Act 21 of 1975);

The Outline Development Plan for Vasco-da-Gama Planning Area shall be read with the Planning and Development Authority (Development Plan) Regulation, 2000.

Panaji, 30th January, 2009.– The Member Secretary for and on behalf of the Mormugao Planning and Development Authority, *R. K. Pandita.*

Department of Transport

Office of the District Magistrate, North Goa District

Notification

No. 23/6/PON/MAG/08/332

Read : (1) Letter No. SDO/PON/Speed-Breaker/2008/1287 dated 23-06-2008 from the Deputy Collector & S.D.O., Ponda.

(2) Letter No. 42/VPCC/08-09/1351 dated 25-07-2008 from the Sarpanch, Village Panchayat Curti-Khandepar.

(3) Letter No. DYSP/TRF/PAN/31/2009 dated 09-01-2009 from the Dy. Supdt. of Police (Traffic), Panaji.

In exercise of the powers conferred on me under section 112 of the Motor Vehicles Act, 1988 and as proposed by the Deputy Collector & S.D.O., Ponda and as recommended by the Superintendent of Police (Traffic), Panaji, I, R. Mihir Vardhan, District Magistrate, North Goa District hereby order the construction of three "Rumbler Strips" at two locations- the first at about 5 mts. away from the four arm road junction were two internal roads intersect Ponda-Khandepar road on the road leading to Khandepar and the second one at about 5 mts. away from the junction on the road leading to Ponda City in the jurisdiction of village Panchayat Curti-Khandepar in Ponda Taluka.

The above "Rumblers" shall be painted with white thermoplastic fluorescent paint for better visibility.

Further, in exercise of the powers conferred on me, under Section 116 of the above Act, I also authorise the erection of traffic sign boards showing the sign "Rumblers" at the placement of each rumbler & cautionary sign boards "Rumblers Ahead" at about 40 mts. in advance of the first Rumbler in order to regulate the motor vehicular traffic.

Panaji, 21st January, 2009.– The District Magistrate, North Goa District, *R. Mihir Vardhan.*

Notification

No. 23/6/PON/MAG/08/342

Read: 1. Letter No. SDO/PON/Speed-Breaker/2007/2000 dated 26-09-2007 from the Deputy Collector & S.D.O., Ponda.

2. Letter No. DYSP/TRF/PAN/24/2009 dated 08-01-2009 from the Dy. Supdt. of Police (Traffic), Panaji.

In exercise of the powers conferred on me under section 112 of the Motor Vehicles Act, 1988 and as proposed by the Deputy Collector & S.D.O., Ponda and as recommended by the Dy. Superintendent of Police (Traffic), Panaji, I, R. Mihir Vardhan, District Magistrate, North Goa District hereby order the construction of Rumbler Strips at the places mentioned in Column No. 2 of the schedule below in the jurisdiction of Village Panchayat Bandora, in Ponda Taluka.

Sr. No.	Location	Traffic sign boards
1	2	3
1	At Rajgini Shankar Phadte residence: on the three road junction on the road proceeding to Shantadurga temple and on road leading to Nageshi about 10 mts. away from the side road.	"Rumblers" (3 strips)
2	Near Krupa Ravalnath Temple Bandora, Ponda: on the "Y" road junction on the road leading to Kavlem.	"Rumblers" (3 strips)
3	Site of Bokad Bag near R.P.R.S. School: at two locations about 10 mts. on either side of intersection point of R.P.R.S. School on road leading to Ramnathi Undir.	"Rumblers" (3 strips)

The above rumblers shall be painted with white thermoplastic fluorescent paint for better visibility.

Price — Rs. 5/-

Vivekanand Hall, Junta House, Panaji and Tourist Hall near Margao Municipality, Margao Goa from 9.00 a.m. to 11.00 a.m. for North Goa and South Goa District respectively on the days as shown below:

NORTH GOA DISTRICT

Days & Dates fixed for tender	Zones of Taluka	Place of Tender
17-02-2009 Tuesday	Satari	Laxmi Memorial Hall at Valpoi, Satari-Goa
19-02-2009 Thursday	Pernem & Bicholim	Swami Vivekanand Hall, Panaji-Goa
20-02-2009 Friday	Ponda, Bardez & Tiswadi	— do—

SOUTH GOA DISTRICT

Days & Dates fixed for tender	Zones of Taluka	Place of Tender
25-02-2009 Wednesday	Sanguem & Quepem	Tourist Hall Near Margao Municipality Salcete-Goa
26-02-2009 Thursday	Canacona, Salcete & Mormugao	— do —

After the aforesaid time is over, the tenders in respect of cashew zones of the concerned Taluka will be opened in the presence of the tenderers who remain present on the above dates, time and venue and the Cashew Zones will be disposed off to the highest tenderers either by way of tender or as per the discretion of the office of the Commissioner of Excise.

In case of each Cashew Zones taken on tender, the Excise Duty shall be collected from the tenderers with reference to the liquor actually produced. However, no refund shall be allowed if the Excise duty corresponding to production is below the tendered price.

The particulars in respect of the Cashew Zones which have remained unbidded and will be opened for inviting tenders may be obtained from the office of the Commissioner Panaji, Old High Court Building, Panaji during Office hours. The tenderer shall have to observe provisions of the Goa Excise Duty Act, 1964 and the rules made thereunder as far as they are applicable to them.

The Commissioner of Excise, reserves the right to reject any tender or all tenders without assigning any reason thereof.

Panaji, 2nd February, 2009.— The Commissioner of Excise, *Sandip Jacques.*

Department of Tourism

Directorate of Tourism

Order

No. 5/C/TIR(1452)/08-DT/1119

The Registration of Tourist Taxi No. GA-01/T-6181 belonging to Smt. Netravali Chaurasiya, H. No. 168, St. Inez, Panaji-Goa under the Goa Registration of Tourist Trade Act, 1982 entered in Register No. 22 at page No. 95 is hereby cancelled as the said Tourist Taxi has been converted into a private vehicle with effect from 25-01-2008 bearing No. GA-07/C-3418.

Panaji, 18th July, 2008.— The Director of Tourism & Prescribed Authority, *Elvis Gomes.*

Department of Town and Country Planning

Mormugao Planning & Development Authority

Notification

Whereas the Mormugao Planning and Development Authority (hereinafter referred to the "Authority"), vide Notification No. MPDA/ODP-CDP-RP/06-07/952 dated 6-09-2006, published in the Official Gazette, Extraordinary, Series III, No. 23, dated 7-09-2006 published the Revised Development for Vasco-da-Gama Planning Area and invited objections thereto from the public, in writing within a period of two months from the date of publication of the said Notification in the Official Gazette;

And whereas vide Notification No. MPDA/ODP-2011/07-08/966 dated 30-08-2007, published in the Official Gazette, Extraordinary, Series III, No. 22, dated 3-09-2007 the Mormugao Planning and Development Authority again published the Outline Development Plan for Vasco-da-Gama Planning Area and invited objections thereto from the public within the period of 60 days from the date of publication of the said Notification in the Official Gazette;

And whereas the objections/suggestions received from the public have been considered by the Authority;

And whereas the Government, after consulting the Goa Town and Country Planning Board, has approved the Development Plan for the Vasco-da-Gama Planning Area under Section 36 of the Goa Town and Country Planning Act, 1974 (Act 21 of 1975);

Now, therefore in exercise of the powers conferred by sub-section (1) of Section 37 of the Goa Town and Country Planning Act, 1974 (Act 21 of 1975), the Mormugao Planning and Development Authority hereby publishes the Development Plan for the Vasco-da-Gama Planning Area, indicating the following places where

Printed at ... 5/11/5000-4/2012

Appx

No.11/138/DYC/07/ 66
Office of the Dy.Collector/SDO.,
Mormugao,Vasco da Gama.
Dated: 30th January, 2007.

To,
Shri Vithal J.Naik and Mrs. Indira V.Naik
P/A Holder Shri Anand Chandra Bose.
Heritage Building, 1st floor,
Swatrantra Path, Vasco da Gama.

Sir,

This has reference to your application dated 29/01/2007. As per the letter No 4-2006-DSLR/135/110544 dated 10th November, 2006, received from Inspecto Survey & Land Recrods, Panaji-Goa., it is informed that the structure existing in su No.43/1 of village Dabolim Mormugao Taluka was surveyed in the year bet 25/5/1972 to 15-6-1972. Whereas vide letter No.MPDA/2005/06-07/1573 30/11/2006, the Member Secretary, Mormugao Planning and Development Auth Vasco, has informed that as per ODP 2011 the property surveyed under No.43 Dabolim village Mormugao Taluka is falling under Settlement Zone.

Therefore in terms of the Government order No.16/11/90/RD dated 20/2 issued by Under Secretary(Revenue), Government of Goa, Secretariate, Porvorim the above referred property i.e. Survey No.43/1 of village Dabolim Mormugao Ta exempted from the operation of provision of Section 32 of LRC,1968.

Yours faithfully,

(Levinson J.Martins)
Dy.Collector/SDO.,
Mormugao, Vasco da G

Copy to: The Collector(South) Margao –Goa..... for information.

KIND ATTN :- COL RAVI RATAN APPX-C

(489)

No.5/365(P)/SGF/2006-07/3465
Office of the
Dy. Conservator of Forests
South Goa Division
Margao Goa.

Dated: 23/02/2007.

To,
Shri. Anand Chandra Bose,
Heritage, Building 1st Floor,
Swatantra Path,
Vasco-da-Gama, Goa.

Sub: - Inspection reg.. Sy.No.43/1 of Dabolim Village.

Sir,

With reference to your letter No. Nil dtd 20.02.2007 on the subject, it is to inform you that the said area Sy.No.43/1 in Dabolim village is not identified as private forest. It is not a Govt Forest either. Please note that prior permission is required if any tree is to be felled.

Yours faithfully,

(M.K.Bidi)
Dy. Conservator of Forests
South Goa Division
Margao Goa

326 490

3780

IN THE HIGH COURT OF BOMBAY AT GOA

Writ Petition No. 13/2010

Goa Foundation & Anr .... Petitioner

V/s

Saravati Builders and Constructions Pvt. Ltd. and Ors. .... Respondents

AFFIDAVIT

I, Shri M. K. Shambhu, IFS, Deputy Conservator of Forest, major of age, Indian National, having my office at Ponda, Goa, do hereby on solemn affirmation state and submit as under: -

1. I am presently posted as Dy. Conservator of Forest, South Goa Division, Forest Department, Government of Goa. I have read the contents of the petition and its annexure and I have understood the same. I am filing this affidavit for the limited purpose of placing on record the report as directed by this Hon'ble Court.

2. I say that, as directed, a report dated 22/02/2010 has been prepared and the same is annexed and marked herewith as **Exhibit A.**

I say that whatever is stated in the above paragraphs is true to my knowledge.

Solemnly affirmed at Panaji
On this 15th day of March, 2010 Deponent

Identified by:

(Adv. Abhijeet A. Kamat)

491

327

378 P

REPORT

Case :- W.P.(c) No 13 /2010 in the Hon'ble Court, Bombay, Goa Bench, Panaji
Goa Foundation & Others.

V/s.

M/s. Saravati Builders & Construction Pvt. Ltd., & others.

1. The matter primarily pertains to developmental activities by M/s. Saravati Builders and Construction Pvt. Ltd. in Sy. No. 43/1-A of Dabolim Village.
2. The Sy. No. 43/1-A. of Dabolim is not a notified Government Forest. It is a private property. Two State Level Expert Committees were formed by the State Government to identify forests in private areas. Sy. No. 43/1-A was not identified as private forest by the said Committees.
3. Under Goa Daman & Diu Preservation of Tree Act, 1984, Private land holders cannot fell trees on their lands without approval of the Tree Officer. For South Goa District, the Deputy Conservator of Forests, South Goa Division at Margao is the Tree Officer.
4. Mr. Ravi Rajan for M/s. Saravati Builders and Constructions (Pvt) Ltd. applied for tree felling permission for felling 47 nos. of trees vide application dated 25.06.2008. After inspection, the permission to fell 47 nos. of trees was given vide this office order dated. 12.09.2008 by the then Tree Officer (also Deputy Conservator of Forests, South Goa Division, Margao) with a condition to plant 235 nos. of trees. The trees were not felled within the prescribed time limit and hence the applicants asked for extension of time vide letter dated. 23.10.2008 and the same was granted on 03.11.2008.

   In a second application dated. 07.10.2008, the same applicant applied for felling of 59 Nos. of trees from the same Sy. No. i.e, 43/1-A of Dabolim village. The Tree officer give permission for felling 45 nos. of trees vide order dated. 28.05.2009 with a condition to plant 225 nos. of trees. Subsequently extention of time to fell the same was asked on 02.07.2009 which was granted on 09.07.2009.

47 → 235

45 → 225

378 ℘ 328

5. Tree felling permission is given by the office of the Tree officer only after visiting the field and verifying the vegetation. If the vegetation meets the criteria of forest. then tree felling permission is not given.
6. The site has been verified subsequently many number of time by the officers and staff of this office to detect/prevent violations from forestry point of view. A joint inspection was also conducted by the undersigned by involving Mr. Claude Alvares, of Goa Foundation and others to allay fears of blatant violation of Forest related Acts/Rules. An offence for felling 6 extra trees (volume of 14m3 firewood) has been registered against the applicants in the said Survey Number under Preservation of Trees Act applicable for private areas where FCA is not applicable.
7. The tree felling permissions have been given to M/s. Saravati Builders and Constructions (P) Ltd. as per the Provision of Goa, Daman & Diu Preservation of Trees Act, 1984. As per the conditions put in the permission orders, the planting of trees will be ensured by the Forest Department.

There is no foul play on part of the Forest Department and the tree felling permissions have been given by the then Tree officer as per the provisions of law.

Submitted for kind persual please.

(Mahesh Kumar Shambhu)
Deputy Conservator of Forests & Tree Officer
South Goa Forest Division
Margao- Goa.

Date :- 22.02.2010.
Place:- Margao- Goa.

Appx D - 2

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IN THE HIGH COURT OF BOMBAY AT GOA

Writ Petition No.13/2010

Goa Foundation & Anr. .....Petitioner

V/s.

Saravati Builders and Constructions Pvt. Ltd. and Ors. .....Respondents

AFFIDAVIT

I, Shri M. K. Shambhu, IFS, Deputy Conservator of Forest, major of age, Indian National, having my office at Margao, Goa, do hereby on solemn affirmation state and submit as under: -

1. I say that I have filed an affidavit dated 15/03/2010 placing on record a report in respect of the property which is subject matter of this Petition. The Petitioner have filed the counter affidavit in response to my affidavit, hence I am filing this further affidavit.

23/3/10

2. I say that in the Writ Petition, the Tree Officer and Deputy Conservator of Forest, South has been made a Respondent. The Petitioner makes a mention about permission granted for cutting of tree and it is also contended that property which is subject mater of Writ Petition is a forest land. Being a party Respondent to the Writ Petition, I am required to respond to the Petition and place the stand of the Forest Department on record. Accordingly, I have prepared the report dated 23/2/2010 and submitted to this Hon'ble Court.

3. The Petitioners are raising technical issues in reply and are making capital of my statement that the report is blind as directed and seems to be an misadvertent report. 387

4. Once a party is Respondent and is on notice, the party is entitled to file an affidavit. Infact when Petitioner contends that the land is forest land, this issue can be clarified only by Forest Department and it is surprising that Petitioner are taking exception to the report filed by Forest Department.

5. I say that words, "as directed" have appeared by misadvertence.

6. I say that the report dated 22/2/2010 submitted to this Hon'ble High Court is factually correct and pertains to survey no. 43/1-A because this public interest litigation filed primarily to challenge the approvals and developmental work in survey no. 43/1-A. Hence there was mention of two tree felling permissions granted by the Forest Department dated 12/9/2008 and 28/5/2009 in survey no. 43/1-A to the Respondent No. 1.

I say that permission was granted to the Respondent No. 2 on 28/5/2007 for felling of 73 trees in survey no. 43/1. It is submitted that the area where this permission was granted does not over-lap with the area in survey no. 43/1-A where subsequently two tree permissions were sought.

I say that all the allegations made in the counter affidavit are denied and it is reiterated that tree felling permissions in

survey no. 43/1-A and 43/1 were given by the then officer as per existing rules and regulations. It is further submitted that the area in survey no. 43/1-A and 43/1 are private properties and do not constitute any government forest nor have they been identified as private forests by the State Level Expert Committees.

7. I say that 92 trees have been permited to fell in Survey No. 43/1-A with condition to plant 460 trees. The permission has been granted under the provisions of Goa Town and Country Planning Act, 1994 and only after ensuring that 5 times the trees would be planted.

8. I say that infact when the permission was granted there was a inspection carried out and Range Forest Officer has clearly recorded on file, that the area does not meet the criteria of forest. I rely upon the records maintained by my office.

9. I reiterate and maintain my statement that no permission to fell tree is given if property meets the existing of forest. As regards to the examples cited by Petitioner I crave leave to refer to the documents annexed by the Petitioner to make my submissions.

10. I deny that I had confirmed to Claude Alvares that the area was forest, as alleged, at the time of site inspection in December 2009. I deny that my report dated 22/2/2010 is degenerated and it avoids earlier observations. The earlier report was prepared before the Writ Petition was filed. The

present report is filed in response to the allegations made in this Writ Petition.

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11. I deny that there are any misleading documents filed by me.

I say that whatever is stated above in paragraphs 1, 2(a)(i)(Pt), 4(Pt), 5, 6(Pt) and 7 to 9 is true to my knowledge, based on records available in the office of this Respondent and the contents of the remaining paras are my submissions.

Solemnly affirmed at Panaji
On this 27th day of April, 2010

Deponent

Identified by:-

Advocate
(Prashant Talaulikar)

TR

Appx E - 1

49

FORM (E)

(See Rule 6)

TREE OFFICER-CUM-DY. CONSERVATOR OF FORESTS

Government of Goa

FOREST DEPARTMENT

No.: 3/3/373/2008-09/1173

Dated: 12/09/2008

Sub.: *Permission to fell trees*

With reference to his/her application dated 25/06/2008 for grant of permission to fell trees to Shri/Smt. Ravi Rajan is hereby informed that he/she is granted permission to fell trees as per the details, indicated below from the private property known as ..... under Sy. No. 43/1A situated at Dabolim, Marmugao Taluka subject to the terms and conditions hereto specified.

DETAILS OF TREES

Sr. No.	Species of trees	No. of trees
	List of species shown overleaf	

OFFICE OF THE DY. CONSERVATOR OF FORESTS

(M.K.Bidi

Tree Officer-cum Dy. Conservator of Forests,
South Goa Division, Margao Goa.

To,

Shri/Smt. Ravi Rajan
Al, prima Dona Co.op
Hsg. Society, Nr. N.I.O.
circle, Dona Paula Goa.

Terms and conditions

1. The Range Forest Officer shall mark the trees before cutting.
2. Permission to fell trees is granted at his/her risk and without prejudice to claim/s of any other person/s who may be having right/s over the land of trees.
3. Felling of trees shall be completed within 45 days from the above mentioned date.
4. Materials produced from the felled trees shall not be removed or disposed without permission of the Tree Officer.
5. He/She shall replant tree as per details given below during ensuing/planting season, i.e. commencing from June 2008 to August 2009 in the property from which the trees will be felled.

Sr. No.	Species	No. of trees
	Forestry species, etc.	235

6. He/She shall deposit a sum of Rs. 9400/- (Rupees Nine thousand four hundred only vide TDR No. 972237 dtd. 10/09/08 along with the Bond dt. 9/9/08) as Security Deposit in the office of the Dy. Conservator of Forests, South Goa Division Margao-Goa, before starting the felling of the trees for ensuing the replanting of the trees (indicated at Sr. No. 5 above).
7. In the event of failure on the part of permit holder to replant the trees as indicated at Sr. No. 5 above, then the Tree Officer, shall himself undertake to replant the trees and recover the cost thereof from the permit holder by way of adjustment against the Security Deposit made by the permit holder or felling that by recovery as arrears of Land Revenue.

---

1. Copy to the Conservator of Forests, Panaji-Goa, for information.

Copy to: R.F.O., (M.S.) W.R. to his report dtd. 13/8/08/ He is directed to keep strict watch over the felling of 47 No. of tree and ensure that no illegal felling takes

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DETAILS OF TREES

No.	Species of Trees	No. of trees
1.	3rd class cashew	(1-0.[illegible]mts, 7-1.20mts, 11A-1.10mts, 11B-0.80mts, 14A-0.80mts, [illegible], 14B-0.75mts, 15A01.10mts, 15B-0.80mts, 31A-0.80mts, 31B-0.55mts, 32-1.10mts, 34A-0.70mts, 34B-0.60mts, 36-0.90mts, 42-0.60mts, 45-1.20mts, 47-0.70mts, 48A-0.60mts, 48B-0.60mts, 2-1.40mts, 35A-0.95mts, 35B-0.80mts, 8-1.10mts)	17
2.	3rd class Moi	(4-1.10mts, 6-1.15mts, 17-0.90mts, 18-1.30, 22-1.05mts, 37-0.90mts, 38-1.10mts, 41-0.75mts, 43-1.05mts)	9
3.	3rd class Char	(5A-0.85mts, 5B-0.75mts, 39-0.75mts)	2
4.	3rd class Kundo	(9-0.90mts, 13-1.10mts, 19-2.10mts, 26-1.00mts, 33-0.90mts, 24-1.80mts)	
5.	3rd class Hurso	(28&29-1.10mts, 30-0.90mts, 44-1.00mts, 49-1.05mts)	4
6.	3rd class Gol	(16-1.10mts)	
7.	3rd class Kumbio	(21-1.10mts27-1.20mts, 46-0.90mts,)	
8.	3rd class Junglee	(25-1.00mts, 29-1.10mts, 50-0.85mts, 51-0.65mts	4
9.	3rd class Caro	(40-0.90mts)	1
			47

TRE

Appx E - 2

499 (498)

(See Rule 6)

TREE OFFICER-CUM-DY. CONSERVATOR OF FORESTS
Government of Goa
FOREST DEPARTMENT

No.: 3/3/158/2009-10/SGI 527

Dated: 28/05/09

Sub: - Permission of fell trees.

With reference to his/her application dated 7/10/08 for grant of permission to fell trees to **Shri/Smt. Ravi Rajan** is hereby informed that he/she is granted permission to fell trees as per the details. indicated below from the private property known as **Nagwadu** under **Sy No 43/1-A** situated in **Dabolim Mormugao Taluka** subject to the terms and conditions hereto specified:-

DETAILS OF TREES

Sr. No.	Species of trees	No. of trees
	List of Species enclosed	45

(M.K.Bid)
Tree Officer-cum-Dy- Conservator of Forests
South Goa Division, Margao

To,
Shri/Smt. Ravi Rajan
R/o A-11, Ocean Park,
Dona Paula Goa.

Terms and conditions.

1. The Range Forest Officer shall mark the trees before cutting.

2. Permission to fell trees is granted at his/her risk and without prejudice to claims of other person/s who may be having right/s over the land of trees.

3. Felling of trees shall be completed within 45 days from the above mentioned date.

4. Material produced from the felled trees shall not be removed or disposed without permission of the tree Officer.

5. He/She shall replant tree as per details given below during ensuing/planting season i.e. commencing from June to...2008.... August.....2009.....in the property from which the trees will be felled.

Licence fee was paid vide R.No. 3/737 dtd. 27/05/09 for Rs. 4500/-

Sr. No.	Species	No. of trees
	Forestry Species etc.	225

6. He/She shall deposit a sum of Rs. 9000/-. (Rupees nine thousand only vide TDR. No. 872368 dtd. 25/05/09 along with the bond.) as security Deposit in the office of the Conservator of Forests, South Goa Division, Margao-Goa, before starting the felling of trees for ensuing the replanting of the trees (indicated at Sr. No. 5 above)

7. In the event of failure on the part of permit holder to replant the trees as indicated at Sr. No. 5 above, then the Tree Officer, shall himself undertake to replant the trees and recover the cost thereof from the permit holder by way of adjustment against the Security Deposit

Second Phase trees to be felled

Sr. No.	TREES	GIRTH	TYPE	BLOCK
1	98	0.60mtr	junglee Tanado	C
2	94	0.90mtr	junglee Sawar	C
3	93	0.70mtr	junglee Mas	C
4	92	0.95mtr	junglee Tanado	C
5	78	1.44mtr	junglee Sawar	C
6	483	0.90mtr	junglee Carvanch	C
7	66	1.55mtr	junglee Mas	C
8	71	0.60mtr	junglee Mas	C
9	69	0.85mtr	junglee Cano	C
10	73	1.00mtr	cashew	C
11	43	1.10mtr	junglee Mas	C
12	163	1.50mtr	cashew	C1
13	488	1.05mtr	cashew	C1
14	489	2.05mtr	cashew	C1
15	490	1.05mtr	cashew	C1
16	192	1.50mtr	junglee Tanado	C1
17	193	1.25mtr	junglee Tanado	C1
18	194	1.0mtr	junglee	C1
19	197	0.95mtr	junglee	C2
20	195	1.15mtr	junglee	C2
21	294	1.00mtr	Blackberry	C2
22	293	1.20mtr	junglee Tanado	C2
23	289	1.15mtr	junglee Mas	C2
24	431	0.90mtr	junglee	C2
25	426	1.0mtr	junglee	C2
26	425	1.25mtr	junglee	C2
27	410	0.95mtr	junglee Tanado	C2
28	413	0.74mtr	junglee Tanado	C2
29	412	0.95mtr	junglee Carvanch	C2
30	414	0.70mtr	junglee	C3
31	364	1.10mtr	junglee	C3
32	537	1.10mtr	cashew	C3
33	365	1.60mtr	Pipal	C3
34	539	1.10mtr	cashew	C3
35	366	1.0mtr	junglee Tanado	C3
36	397	1.45mtr	junglee	C4
37	143	0.95mtr	junglee Chap	C4
38	556	1.35mtr	cashew	C4
39	117	1.30mtr	junglee	C4
40	550	0.95mtr	cashew	C4
41	128	2.20mtr	junglee	C4
42	115	1.50mtr	junglee	C4
43	546	1.15mtr	cashew	C4
44	543	1.15mtr	junglee	C4
45	119	2.68mtr	Mango	C4

Tanado Sawar Mas Tanado. Sawar carvanch Mas Mas Cano. Mas

Tanado "

Tanado. Mas

Tanado " carvanch.

Tanado. chap

Mango.

22.5.09

22/05/09

IN THE BOMBAY HIGH COURT AT GOA

Writ Petition No.13/2010

Goa Foundation through its Secretary
Dr Claude Alvares & Anr ..... Petitioners

V/s

M/s. Saravati Builders & Construction
Pvt. Ltd. and 10 Others ..... Respondents

AFFIDAVIT ON BEHALF OF RESPONDENT NO. 9

I, Dr. C. Kaliyaperumal, son of Sri. M. Chinnakannu (Late) aged 51 years, Indian National, Scientist 'E', Ministry of Environment & Forests, Government of India, having office at Kendriya Sadan, 4th Floor, E&F Wings, 17th Main Road, 2nd Block, Koramangala, Bangalore 560 034, do solemnly state on oath and affirm as under:-

1. I state that I am working as Scientist 'E' in the Regional Office of the Ministry of Environment and Forests, Government of India, Bangalore. I say that I am conversant with the facts of the case as per the records and duly authorised to swear the present Affidavit which has been approved by the Ministry.

2. I am filing the present Affidavit to place on record the decision of Respondent No. 9 pursuant to the Orders dated 11.4.2012 and 02.5.2012 passed in the above Petition.

3. It is submitted that the Answering Respondent has filed its Affidavit dated 24.03.2011 whereby it has been submitted to this Hon'ble Court that this Respondent would abide by the orders to be passed by this Hon'ble Court in respect of the rival contentions between the parties in respect of the issues as to whether the land in question is a part of the forest or not.

4. I say that the report of the Forest Department of Goa State and more particularly the report of Shri Mahesh Kumar Shambu, Dy. Director,

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Scientist 'E'
Government of India
Ministry of Environment & Forests
Regional Office, (Southern Zone)
E & F wings, 4th Floor,
Kendriya Sadan, 17th Main,
Koramangala,

(Forests), South Goa Division, Margao was examined by the Ministry and the Ministry has taken decision as follows: Decisions

a) The findings of the report were categorized into 3 cateogries as given below: Findings

1) The area of Survey No. 43/1 which is outside M/s. DLF Homes Pvt. Ltd. i.e. M/s. Saravati Builders and Construction Pvt. Ltd was inspected and it was found that the criteria that the area to be declared as a Private Forest should have more than 75% of the Tree Species of forestry in nature is not fulfilled as the trees appear to have been planted. Thus the area in Survey 43/1 is not part of 43/1-A and should not be considered as Private Forest.

2) The area owned by M/s. DLF Homes Pvt. Ltd./M/s. Saravati Builders and Construction Pvt. Ltd. covers an area of 7.73 Ha out of which 0.6503 Ha does not meet the criteria of deemed forest and out of the remaining 7.0797 Ha, tree felling permission was given in 2 Ha and the remaining 5.0797 Ha in Survey No. 43/1-A meets the criteria of Private Forest.

3) In the area of 2.00 Ha in Survey No. 43/1-A, trees have already been felled owing to tree felling permission and the inspection does not help in verifying the density of the vegetation. It has already been indicated that the Forest (Conservation) Act, 1980 is not applicable to the area.

b) It was concluded in the inspection report that M/s. DLF Homes Pvt. Ltd property measuring 7.7300 Ha meets the criteria of private forest.

c) In the light of the above findings of the inspection report, it appears that area owned by M/s. DLF Homes Pvt. Ltd., M/s. Saravati Builders and Constructions Pvt. Ltd. is private forest land and accordingly prior permission of the Central Government is required under Section 2 of the Forest (Conservation Act), 1980 in accordance with the Hon'ble Supreme Court Order dated 12.12.1996 in Writ Petition (Civil) No. 202 of 1995 in

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the matter of T. N. Godavaraman Thirumulpad versus Union of India which inter alia directed as given below:

"The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalances and therefore, the provisions made therein for the conservation of forests and for matters connected therewith must apply to all forests irrespective of the nature of ownership or classification thereof. The word "forest" must be understood according to its dictionary meaning. The description covers all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(1) of the Forest Conservation Act. The terms forest land occurring in Section 2 will not only include forest as understood in the dictionary sense but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of the forest and matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof"

d) It is submitted that as far as the legal position pertaining to the present Respondent is concerned, the same is clear that in case the land is held to be private forest, then prior permission of the Central Government is required under Section 2 of the Forest Conservation Act, 1980 in accordance with the Hon'ble Supreme Court Order dated 12.12.1996 in Writ Petition No.202 of 1995 in the matter of TN Godavaraman Vs. Union of India as given above.

e) Further it is noteworthy to mention that Section 2 of the Forest Conservation Act, 1980 provides that notwithstanding anything contained in any other law for the time being in force in a State, no State Government or any other Authority shall make except with the prior approval of the Central Government, any order or direction; vis-à-vis the following:

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Government of India
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Kendriya Sadan, 17th Main,
H B ...sk, Koramangala,
...

i. That any reserved forest within the meaning of the expression "Reserved Forest" in any law for the time being in force in that State or any portion thereof shall ceased to be "Reserved".

ii. That any forest land or any portion thereof may be used for any non-forest purpose.

iii. That any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation agency or any other organisation not owned, managed or controlled by Government; and

iv. That any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion for the purpose of using it for re-forestation.

f) From the above, it may be ascertained that for non-forest use of forest land (irrespective of ownership) prior approval of the Central Government is required to be obtained under the Forest (Conservation) Act, 1980.

5. I say that in view of the above, no developmental work can be carried out in respect of the area identified as forest without prior approval of the Central Government under the Forest (Conservation) Act, 1980.

6. The Deputy Conservator of Forest, South Goa had submitted an affidavit on March 15, 2010 stating that 'the Sy. No. 43/1-A of Dabolim is not a notified Government Forest. It is a private property. Two State level Expert Committees were formed by the State Government to identify forests in private areas. Sy. No. 43/1 – A was not identified as private forest by the said committee'. And vide affidavit dated April 27, 2010 it was submitted that 'the area is survey no. 43/1-A and 43/1 are private properties and do not constitute any government forests nor have they been identified as private forests by the State Level Expert Committees'. Accordingly the MoEF had submitted an Affidavit dated January 24, 2011 stating that the Ministry shall abide by the decision of his Hon'ble Court

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in the matter and accordingly decide lifting of the abeyance order thereafter. However, the inspection report submitted by DCF, South Goa Division following the High Court Order dated April 10, 2012 mentions that 5.079 hectare in Survey number 43/1-A meets the criteria of private forest and shall attract the provisions of Forest Conservation Act, 1980.

7. I say that the factual contents of the above paragraphs are derived from the official records to which I have access and I believe the same to be true.

Solemnly affirmed on this
22nd day of July, 2013 at
Bangalore

DEPONENT

Dr. C. [illegible] PERUMAL
Scientist 'E'
Government of India
Ministry of Environment & Forest
Regional Office, (South[illegible]
E & F wings, 4th F[illegible]
Kendriya Sadan, 17t[illegible]ain.
II Block, Koramangala,
BANGALORE - 560 034

Identified by:

Adv. Norma Alvares

Adv. Mangeshkar 506

IN THE BOMBAY HIGH COURT AT GOA

Writ Petition

No. 13/2010

Goa Foundation through

Its Secretary ..... Petitioners

Versus

M/s. Saravati Builders &

Construction Pvt. Ltd and Ors ..... Respondents

AFFIDAVIT IN REPLY TO AFFIDAVIT DATED 22 JULY 2013 ON BEHALF OF RESPONDENT NO. 9

I, Ravi Rajan, S/o Shri N.D. Rajan, aged about 58 years, office address ar F-2, Landscape Excelsior, Ist Floor, D.B. Road, Campal, Panjim 403002, the deponent do on solemn affirmation state and submit:

1. I say that I am the Vice President (Operation) of the DLF Homes Goa Pvt. Ltd., the successor in interest of the Respondent No. 1 herein, and duly authorized to *inter alia* depose the present Affidavit.
2. I say that I have read and understood the contents of the Affidavit dated 22.07.2013 filed by Respondent No. 9, Union of India, and the present Reply is being filed on behalf of Respondent No. 1 in response to the same.

3. I say that at the outset, I deny each and every averment, contention and submission contained in the Affidavit dated 22.07.2013 on behalf of Union of India in seriatim save and except what is matter of record. It is submitted that nothing stated in the Reply may be deemed to be admitted unless it is specifically stated to be admitted herein.

PRELIMINARY SUBMISSIONS:

Stand of Respondent No. 9 vis-à-vis Survey No. 43/1A and Project of Respondent No. 1:

4. I say that the Affidavit under Reply of Respondent No. 9 is nothing but parroted repetition of the undated report of Shri Mahesh Kumar Shambhu, Dy. Conservator of Forests filed pursuant to Order dated 02.05.2012 passed in this Petition and reproduces the contents of the said report. It is submitted that the undated report of Shri. Mahesh Kumar Shambhu cannot be relied upon as he had also submitted two earlier Affidavits dated 15.03.2010 and 27.04.2010 wherein in unambiguous terms it was stated that the subject property does not fall within the category of forest and is part of settlement zone. Hence to the extent the Affidavit under reply places reliance on the

undated report of Shri. Mahesh Kumar Shambu, the said portion is liable to be struck off.

5. I say that the Respondents No. 9 has after detailed deliberations granted permission to the residential project initiated by Respondent No. 1 on Survey No. 43/1 A (subject property). The said permission has been reviewed more than once as detailed hereunder by the Respondent No. 9. However for reasons unknown to Respondent No. 1, Respondent No. 9 has now sought to rely upon the undated report of Shri. Mahesh Kumar Shambu. It would be relevant to note that the enquiry conducted by the Respondent No. 9 and the consequent environmental clearance was valid as the said permission was granted upon application of mind and after detailed deliberations by Respondent No. 9. The procedure for obtaining clearances was diligently followed and necessary compliances on part of Respondent No. 1 were made in designated time. Therefore, the clearances granted after due diligence by the experts working with Respondent No. 9, cannot be negated or interfered with.

6. I say that Respondent No. 9 after detailed deliberations and seeking information granted its first approval to Respondent No. 1's

project on 02.02.2009. However in view of revision of plans whereby certain two bed room flats came to be converted into one bed room flats, Respondent No. 1 applied once again on 13.07.2009 with Respondent No. 9 for seeking clearance. Respondent No. 9 yet again granted clearance. The Expert Appraisal Committee, constituted by Respondent no. 9, after due consideration of the relevant documents submitted by Respondent No. 1 and additional clarifications furnished in response to the observations of Expert Appraisal Committee granted clearance yet again to the project 11.01.2010.

7. I say that however in view of ex-parte ad-interim Order dated 12.01.2010 passed in the present Petition, Respondent No. 9 issued a communication dated 15.04.2010 whereby Respondent No. 1 was directed not to proceed with the construction till a detailed examination of the issues raised in the present Petition were re-examined by the Expert Appraisal Committee under Respondent no. 9. In the meantime, the Environment Clearance granted on 11.01.2010 was kept in abeyance till a final decision was taken by the Ministry. The said communication dated 15.04.2010 has been challenged by the Respondent No. 1 by way of

separated Petition being W.P. No. 395/2011 which is listed with the present Petition.

8. I say that the project was referred to the Expert Appraisal Committee ('EAC') for re-examination. The first meeting was held from 21-23rd July 2010. The said meeting was also attended by the representatives of Goa Foundation. The EAC after deliberating on the matter sought further information on the following issues :

   a. Respondent No. 1 to submit details of trees cut down with their permissions, certifying that no other trees will be cut.

   b. Respondent No. 1 to submit a copy of the contour map superimposing the layout plan of the site with clear spot levels authenticated by the Local town Planning Department.

   c. Respondent No. 1 to submit a copy of the permissions for cutting of trees and a certificate from DFO that the area is not declared as Forest under the Forest Conservation Act.

9. I say that the next meeting of the EAC was held on 9th-10th November 2010 wherein it is observed that all the information sought by EAC in its meeting held on 21-23rd July 2010 was placed

before it by Respondent no. 1. The EAC after deliberating over the matter finally observed as under:

> "The Committee after discussions suggested that the Ministry may inform the Government Counsel/ASG that the site inspections were conducted twice by Government Departments viz Town Planning Department & Forests Departments of Goa on 21.01.2010 and 16.02.2010. During the site visits, Petitioners i.e. Goa Foundation was also present. The site visit report and the maps may also be forwarded to the Counsel informing that the issue is related to the local laws and Environment Clearance has been issued only under the EIA Notification, 2006. The project proponent has to obtain prior clearance from the local body as per the local laws incorporating all the Environment parameters as suggested by the Expert Appraisal Committee. Further action on the above issue should be taken only after the Hon'ble High Court orders about the revocation of the abeyance order."

10. I say that after the aforementioned observation of the EAC, the Respondent No. 9 issued a letter dated 04.01.2011 to then

Assistant Solicitor General of India stating in very clear terms that the EAC at its meeting held on 9-10th November 2010 had found that environment clearance dated 11.01.2010 has been issued under EIA Notification of 2006 and that there is no infirmity found in the clearance and Respondent No. 9 accepts the recommendations made by EAC. As regards the local clearance since the same concerned the local bodies it was not dealt with by the EAC.

11. I say that the project as well as the subject property has been scrutinized by the Respondent no. 9 thrice and approved after application of mind and the same cannot be disregarded or overlooked as it was not an empty formality. Due credence has to be given to the clearance granted by a Committee headed by experts. As regards clearance under the local laws, Respondent No. 9 has simply observed that the project should be cleared by local authorities. Respondent No. 1 has all the permissions under the applicable local laws. In view thereof the project should be allowed to go ahead. In the aforestated background the Affidavit of Respondent No. 9 to the extent it places reliance on the undated Affidavit of Shri. Mahesh Kumar Shambhu is liable to be struck off.

Survey No. 43/1-A situate at Dabolim Village, Goa is not a Forest:

12. I say that pursuant to the Order dated 12.12.1996 in W.P. No. 202 of 1995 titled T.N. Godavarman Thirumulpad versus Union of India, the Government of Goa appointed a committee under the Chairmanship of Shri. S.M. Sawant. The Committee submitted two interim reports in February 1997 and September 1997 followed by a final report dated 08.12.1999. The first interim report was in relation to government forests and in the second report it laid down the criteria to identify private forests and conducted site inspections all over Goa and identified private forests. The committee undertook detailed investigation of the areas and submitted a list of disputed forest lands in North and South Goa and also identified such areas which were forests on lands other than Government Forest and Revenue Lands in North and South Goa. The said Report also identified forest lands which were cleared for development works and mining purposes. The said report has clearly not identified the Survey No. 43, from which Survey No. 43/1-A has been carved out as forest land. The final report dated 08.12.1999 is not being annexed herewith as the

same has been filed along with the Additional Affidavit dated 15.03.2013 in connected writ petition being W.P. No. 395/2011 which is being heard alongwith the present petition.

13. I say that the aforementioned final report of the Sawant Committee was examined by the State Government and it decided that the said report was complete however many more areas were yet to be identified. The State Government therefore decided to constitute another Committee for a more detailed inquiry to identify forests in the State of Goa vide its Order No. 10/401 (Part-I)/FE/96 dated 04 September 2000 under the Chairmanship of Dr. Hemant Karapurkar. The Karapurkar Committee submitted its report on 16 December 2002 identifying *inter-alia* new forest areas in North and South Goa. These areas are over and above the areas identified by the Sawant Committee. The Karapurkar Committee has also not identified the land covered by the subject property as forest. The final Karapurkar Committee report not being annexed herewith as the same has been filed along with the Additional Affidavit dated 15.03.2013 in connected writ petition being W.P. No. 395/2011 which is being heard alongwith the present petition.

14. I say that apart from the above State Government appointed Committees and also other approvals granted by the local authorities wherein it has been time and again recorded that Survey No. 43 from which Survey No. 43/1-A has been carved out is a private property and part of settlement zone, it is relevant to take note of the fact that even the various authorities set up under the Ministry of Environment and Forest have granted approvals to the project being developed by Respondent No. 1.

15. I say that communications from the Deputy Collector/SDO Mormurgao vide letter 30.01.2007 as well as well as Deputy Conservator of Forests categorically stated that the subject property is not a forest land. Therefore, the representations for environmental clearance made by the deponent were bona fide and on the basis of said reports and the clearances and permissions obtained from the EAC and local bodies, Respondent No. 1 has undertaken substantial work towards its project.

<u>On credibility of the report of Sri Mahesh Kumar Shambhu</u>

16. I say that it is the deponent's submission that the final report submitted by Sri Mahesh Kumar Shambhu pursuant to Order dated 02.05. 2012 is capricious and devoid of any empirical support. Sri Shambu, in his capacity as the Deputy Conservator of Forests, vide his inspection reports dated 24.12.2009, Affidavit dated 15.03.2010 and 27.04.2010 categorically excluded Sy. No. 43/1-A from being a government or private forest. Therefore, it is humbly submitted that the credibility of this report can be reasonably questioned as it seems to be crafted for the sole purpose of impeding the works already undertaken by the Respondent No. 1 on the subject property.

REPLY ON MERITS:

1. With reference to the contents of Para 1 , 2 and 3,the same are not denied being a matter of record.

2. With reference to the contents of Para 4 and its subparas (a), (b) to the extent they reproduce the findings of Shri. Mahesh Kumar Shambhu's undated report wherein the subject property has been declared as forest are vehemently denied as the same are contrary to the Sawant Committee Report and Karapurkar Committee report and also the earlier

affidavits filed by him. It is reiterated that the subject property is part of settlement zone. As regards subpara (c), (d),(e) and (f) in view of the submissions made hereinabove which are not repeated for the sake of brevity, it is denied that the Survey No. 43/1A is a private forest and hence provisions of Forest Conservation Act, 1980 is not applicable to the said project.

3. With reference to the contents of Para 5, the same are admitted in so far as they pertain to the existing legal framework for non-forest (developmental) use of forest land. That the concerned land is a private forest and would need such approvals for developmental works is specifically denied.

4. With reference to the contents of Para 6, the same are not denied being a matter of record. Deponent submits that the inferences drawn by Respondent 9, if any, from the inspection report submitted by DCF, South Goa Division following High Court Order dated 10.04. 2012 are unfounded as the credibility of the report itself is in question, as averred in paragraphs above. The same may be read herein and is not repeated for the sake of brevity.

5. With reference to the contents of Para 7 the same are not responded to for want of knowledge.

I say that the contents of Para 1-2; 4- 16 of Preliminary Submissions and Para 1-5 of Reply on merits are based upon knowledge derived from records of the case; contents of para 3 of are based upon legal advice received and believed by me to be true.

Solemnly affirmed at Panaji on this ____ day of August 2013.

DEPONENT

Identified by me:-